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Tuesday,
23rd August, 1955

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

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LOK SABHA DEBATES
(Part I—Questions and Answers)

Dated 11.02.2015

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LOK SABHA

Tuesday 23rd August, 1955

*The Lok Sabha met at Eleven
of the Clock*

[Mr. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Delhi Transport Service

*1013. **Shri Dabhi** : Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Starred Question No. 1443 on the 24th March, 1955 and state when the proposed shelters for bus passengers near the Central Secretariat will be built?

The Minister of Works, Housing and Supply (Sardar Swaran Singh) : The work has been sanctioned and is likely to be completed within this financial year.

Shri Dabhi : May I know whether the shelters will be built for all the bus stands which are near the Central Secretariat?

Sardar Swaran Singh : This one is being put up in front of the North Block of the Secretariat.

Shri Dabhi : Why not all the bus stands near the Central Secretariat?

Sardar Swaran Singh : Normally the D. T. S. does that work. But in this particular case, because an additional expenditure was involved, Government decided to share a part of that expenditure.

Coal Production

*1015. **Shri Ibrahim** : Will the Minister of Production be pleased to state :

(a) whether Government have any comparative figures of coal output per manshift in India and other industrial countries;

(b) whether Government have taken any steps to increase the coal output per manshift in this country; and

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(c) whether Government have considered the question of amalgamation of uneconomic small collieries in Bihar?

The Minister of Production (Shri K. C. Reddy) : (a) A statement showing the output per manshift in India and in some industrialised Western countries during 1951, 1952 and 1953 is laid on the Table of the House. [See Appendix VI, annexure No. 36].

(b) It is not possible for the Government to take any direct steps to improve the output per manshift in the existing mines, excepting perhaps in State Collieries. Before according permission for opening new mines, the Government however, ensure that the layout plan and the extent of mechanisation are such as would be conducive to improve production.

(c) Government have decided to set up a Committee to study the problem and formulate proposals for Government's consideration.

Shri Ibrahim : May I know the number of uneconomic small collieries in Bihar?

Shri K. C. Reddy : I cannot give the exact number now—there are about seven hundred and fifty, roughly.

Shri Kasliwal : May I know whether Government are working on any scheme for the nationalisation of coal mines in this country?

Shri K. C. Reddy : Government is presently considering this problem.

Shri P. C. Bose : May I know the comparative output for manshift between a mechanised mine in Europe and a mechanised mine in India?

Shri K. C. Reddy : I have no figures at present with me.

Shri Heda : With reference to the reply to part (b) of the question, may I know what difficulties Government are finding in allowing the workers to share the profits out of the increased output?

Shri K. C. Reddy : A separate question may be put as regards that.

Textile Enquiry Committee

*1017. **Shri Jhulan Sinha** : Will the Minister of Commerce and Industry be pleased to refer to the replies given to starred question No. 2372 on the 19th April, 1955 and state the names of the States which have so far furnished their views on the Report of the Textile Enquiry Committee?

The Minister of Industries (Shri Kanungo) : A statement is laid on the Table of the House. [See Appendix VI annexure No. 37].

Shri Jhulan Sinha : May I know the general trend of opinion from the States, especially on the problem of substitution of handlooms by power-looms and on the question of reservation of a certain field for the handloom textiles?

Shri Kanungo : There are varying types of opinions.

Dr. Rama Rao : Is it a fact that the Andhra and Madras Governments have rejected the majority of the recommendations of the Textile Enquiry Committee?

Shri Kanungo : As a matter of fact they have not given their full opinion, and whatever they have given may not be disclosed before Government takes a decision thereon.

Shri Bhagwat Jha Azad : The hon. Minister said that varying opinions have been received. Is it a fact that among the varying opinions a majority goes in favour of reservation of more field for the handloom industry?

Shri Kanungo : The last answer will cover it, because I have not got the break-up, and I may not disclose it now.

Shri Kamath : In the Public interest?

Palar River

*1019. **Shri Bhagwat Jha Azad** : Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 1319 on the 17th December, 1954 and state :

(a) whether Government have received a final report from the Madras Government regarding the utilisation of the Palar river waters by the Mysore Government; and

(b) the steps taken for the settlement of the dispute?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) No Sir.

(b) The Chief Engineers of the two States and a technical officer from the Centre are meeting shortly with a view to resolve the dispute.

Shri Bhagwat Jha Azad : In view of the fact that the dispute between the two Governments is an old one and the officers of the Madras Government were asked to sit with the officers of the Mysore Government and still it is not settled, may I know what attempts are being made to resolve the dispute early?

Shri Hathi : The attempt made was that we wrote to both the State Governments that they may meet together and an officer from the Central Water and Power Commission would help them in resolving the dispute. Both the Governments have agreed to this suggestion and this officer is shortly going to that place and it is hoped that the matter will be resolved.

Engineering Delegations

*1020. **Shri Radha Raman** : Will the Minister of Irrigation and Power be pleased to state :

(a) whether it is a fact that a four man Engineering Delegation visited the U. S. S. R. in the month of June, 1955; and

(b) whether the Government of the U. S. S. R. have sent a similar delegation to India and if so, when?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) Yes, Sir.

(b) No, Sir.

Shri Radha Raman : May I know if the delegation was required to study specific projects in that country and, if so, what were those projects; and may I know whether the delegation has submitted any report and, if so, what its nature is?

Shri Hathi : They have submitted a report giving the details of the technical training facilities available there.

Shri Radha Raman : May I know how long this delegation stayed there and what establishments it visited during that period?

Shri Hathi : They left on the 31st May, 1955 and returned on the 6th July, 1955. They visited various training institutes and factories and other places. It is a long list. I can give a copy to the hon. Member later on if he wants.

Shri Radha Raman : May I know if the Government proposes to send

similar delegations to some other countries also?

Shri Hathi : If he mentions any particular country, I can say. Naturally, our experts go to various places and various conferences; they look to the training institutions and the other facilities available there.

Shri Raghavaiah : The hon. Minister said that the possibilities are there for sending delegations to various countries to look to the training etc. Do Government propose to send a delegation to the U. S. S. R. to study the technical aspects?

Shri Hathi : This delegation went for this purpose.

Cinnamon Oil

*1021. **Shri A. K. Gopalan :** Will the Minister of Commerce and Industry be pleased to state :

(a) whether it is a fact that Cinnamon oil is being imported at present; and

(b) if so, the quantity and value of the oil imported in 1953-54?

The Minister of Commerce (Shri Karmarkar) : (a) and (b). Cinnamon oil is not shown separately in the trade statistics. Therefore it is not possible to say definitely whether it is actually being imported. It is one of the "Natural essential oils" the import of which is permitted.

Shri A. K. Gopalan : May I know whether it is a fact that extensive areas of cinnamon cultivation in Malabar have been destroyed or are being destroyed for want of proper care and nursing?

Shri Karmarkar : I am not aware of that.

Shri V. P. Nayar : May I know whether the hon. Minister is aware that in Malabar there were extensive plantations of cinnamon, and owing to competition from imported cinnamon oil it is not possible for them to manufacture oil?

Shri Karmarkar : That is not our information.

Shri Punnoose : Can we have some idea about the cost of this oil and as to how much is the productive capacity here?

Shri Karmarkar : The indigenous production is roughly estimated at about two tons. I am sorry, I have no break-up for cinnamon oil as such. I can give the figure for natural essential oils.

Shri Punnoose : Is it a fact that private parties have approached Government for help to develop this cultivation and this industry?

Shri Karmarkar : So far as I am aware, no.

Loss in the Films Division

*1024. **Dr. Satyawadi :** Will the Minister of Information and Broadcasting be pleased to refer to reply given to Starred Question No. 2246 on the 15th April, 1955 and state :

(a) whether the formal enquiry into the losses in the Films Division has since been completed; and

(b) if so, the result of that enquiry and the Government's reaction thereto?

The Minister of Information and Broadcasting (Dr. Keskar) : (a) Yes, Sir.

(b) Procedural steps for imposing the penalty of recovering the loss under Rule 49 of the Central Services (Classification, Control and Appeal), Rules are being taken.

Coal Mines

*1025. **Shri T. B. Vittal Rao :** Will the Minister of Production be pleased to state :

(a) whether any inspection of Coal Mines has been conducted during 1954-55 under the Coal Mines (Conservation and Safety) Act, 1952 to see that the mines are being worked in a planned and systematic way;

(b) if so, the names of the collieries inspected; and

(c) the findings of the inspection?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey) : (a) Yes.

(b) A list showing the names of collieries inspected during 1954-55 is laid on the Table of the House. [See Appendix VI, annexure No. 38].

(c) The required : has been called for from the Coal Board to whom the findings of the inspection are communicated for necessary action.

Shri T. B. Vittal Rao : Could I know the total production of the collieries inspected? It is shown in the statement that four collieries have been inspected.

Shri R. G. Dubey : Not to our knowledge.

Shri T. B. Vittal Rao : I want to know the total figures.

Shri R. G. Dubey : I should like to have notice.

Shri T. B. Vittal Rao : In view of the fact that we have to conserve metallurgical coal, may I know the reasons why only four collieries have been inspected?

Shri R. G. Dubey : The coking coal is a very important thing particularly in view of the developments in iron and steel industry in the country. That is why in the first instance it was thought advisable to inspect the coke-coal producing collieries.

Mr. Speaker : His point is that when coal is so important, why have Government examined only four collieries and not more.

The Minister of Production (Shri K. C. Reddy) : During the previous year 18 mines have been inspected, and during 1954-55 four have been inspected. It is a very elaborate process and requires detailed inspection. Possibly we cannot inspect more than we have been able to inspect during 1954-55.

Shri T. B. Vittal Rao : What further steps Government are taking to discourage the use of metallurgical coal for domestic and locomotion purposes?

Shri R. G. Dubey : Government have taken certain steps to see that extraction of coal is not done in an uneconomic way and that domestic coke is being put into more and more circulation for domestic purposes.

Shri T. B. Vittal Rao : The pegging of coal production has been seven million tons in 1952. Could I know the figures for 1953 and 1954?

Shri R. G. Dubey : That information is not available just now. A separate question may be put.

Shri S. C. Samanta : May I know whether any change has been made in the investigation about the working conditions in the collieries on the recommendations of the Technical Advisory Committee on Mining?

Shri R. G. Dubey : I think more and more mechanical implements have been introduced to improve the conditions of the mines, but I must confess that the process has been somewhat slow.

The Indian National Flag

*1026. **Shri Raghunath Singh :** Will the Prime Minister be pleased to state :

(a) whether it is a fact that the Indian National Flag was insulted aboard the British ship "CLAN MACLEAN" on the 28th March, 1955 when the said ship was on the high seas on its way from Dabur to Cape Town; and

(b) if so, the steps taken by Government in the matter?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) and (b). No. On receipt of an allegation to this effect, an enquiry was made and it was found that there was no insult to the Indian Flag.

Shri Raghunath Singh : Who made the enquiry?

Shri Sadath Ali Khan : Our Commissioner at Mauritius investigated the matter thoroughly and later, when this ship docked at Calcutta, the Shipping Master in Calcutta made a further investigation. They both have exonerated the ship's officer of this insult.

श्री रघुनाथ सिंह : मैं जानना चाहता हूँ कि शिप पर क्या बात हुई थी ?

Mr. Speaker : Order order. No further question can be asked on this. I am going to the next question.

Shri Punnoose : One important question for information....

Mr. Speaker : The hon. Member will realise that two officers have made enquiries and they say there was nothing like insult to the Indian Flag. What is there to go into further?

Shri Kamath : There was some incident.....

Shri Punnoose : But something seems to have happened; it may not be insult..

An Hon. Member : May be injury.

Mr. Speaker : Order, order. I am going to the next question.

Grants to Kashmir

*1027. **Chaudhuri Muhammed Shaf-fee :** Will the Minister of Commerce and Industry be pleased to state :

(a) the total amount of grants given by Government to Jammu and Kashmir State for the development of industries under their new plan; and

(b) the names of the industries to which such grants have been given ?

The Minister of Industries (Shri Kanungo) : (a) and (b). Presumably the hon. Member is referring to a revised Five Year Plan submitted by the Jammu and Kashmir State. The Schemes included in the revised Plan are under examination.

Motor Cars

***1028. Shri Heda :** Will the Minister of Commerce and Industry be pleased to state :

(a) whether it is a fact that the Indian motor car manufacturers have applied for the export of their cars;

(b) if so, the number of the cars for which permission has been sought;

(c) the names of the countries to which they are proposed to be exported; and

(d) the number of cars actually exported so far ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) Yes, Sir.

(b) 30.

(c) Ceylon.

(d) Nil.

Shri Heda : May I know the manufacturers in this country who have applied for this export ?

Shri T. T. Krishnamachari : There was only one manufacturer and it is the Hindusthan Motors.

Shri V. P. Nayar : In view of the fact that the automobile industry is protected by a very stiff tariff wall in order to make it possible for the Indian assembled automobiles to compete in the Indian market, what is the necessity for allowing the export of such cars so that the manufacturers may take advantage of the same ?

Shri T. T. Krishnamachari : If in spite of the high tariff wall they think they can export from this country, it is a matter of advantage to us.

Shri V. P. Nayar : In view of the fact that continental makes of cars and other makes outside India are far cheaper than Indian assembled cars, do Government expect that the export of cars will develop ?

Shri T. T. Krishnamachari : It is a matter of opinion. The hon. Member is entitled to have his opinion.

Shri Kaulwal : The hon. Minister said just now that the car manufacturers consider that they are in a position to export cars. May I know whether they consider so because they expect drawback from those cars which are imported from abroad ?

Shri T. T. Krishnamachari : Here is an application for export which has been made. There is no application for drawback. It is quite likely that exports may not materialise. When they make an export and when they ask for a drawback, that is the time for me to consider whether I am going to give them the drawback.

Shri Heda : How does the demand for this particular manufacturer's car in our country compare with the production ?

Shri T. T. Krishnamachari : I think production and demand are more or less co-terminous.

Cossye Scheme

***1030. Shri N. B. Chowdhury :** Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 800 on the 6th December, 1954, and state :

(a) whether it is a fact that the Cossye Scheme in its final form has since been submitted by the Government of West Bengal ; and

(b) If so, the outline of the scheme ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) Yes, Sir.

(b) A note giving the outlines of the scheme is placed on the Table of the House. [See Appendix VI, annexure No. 39].

Shri N. B. Chowdhury : May I know whether Government have taken into account the representations and suggestions regarding the alteration of the Scheme in order to benefit large areas in the lower regions of the river ?

Shri Hathi : The project report is received from the West Bengal Government. I think they might have taken that into consideration.

Shri N. B. Chowdhury : May I know whether Government have forwarded their views and suggestions which were given here in a conference with the hon. Minister of Irrigation and Power, to the Government of West Bengal ?

Shri Hathi : Yes, Sir.

Dr. Rama Rao : Is it going to be a concrete dam or a masonry dam ? If so, which part is going to be concrete ?

Shri Hathi : The spill-way part is going to be concrete.

Shri B. K. Das : May I know whether the West Bengal Government has given top priority to this ?

Shri Hathi : They have submitted a list of various schemes, but the question of priority will be discussed when they come to discuss with the Planning Commission.

Shri S. C. Samanta : May I know the estimated cost of the scheme and whether there is any proposal for digging tunnels in the lower regions ?

Shri Hathi : The cost and other detailed particulars are given in the statement which I have just laid on the Table of the House.

Equipment for Power Projects

*1031. **Shri Bogawat :** Will the Minister of Irrigation and Power be pleased to state :

(a) whether it is a fact that the Government of Canada have offered to supply, under the Colombo Plan, electrical equipment to India for electrification of rural areas during the First and the Second Five Year Plans ; and

(b) if so, whether Government have accepted the Canadian offer ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) Yes, Sir.

(b) Yes, Sir.

Shri Bogawat : May I know the extent of the offer and in what States such equipment will be used ?

Shri Hathi : The offer is about three million dollars. The States are requested to let us know the requirements. Up till now, we have got only the Bombay Government's request for some diesel oil engines.

Shri Bogawat : In what part or area, is the Bombay Government requesting these sets to be installed ?

Shri Hathi : Along with the requisition for the equipment, they are not required to mention the areas where they want to use this equipment. That will form a different part of the rural electrification scheme.

Shri Bogawat : Is there any idea under contemplation to use such electrical equipment for Bhandarther-cum-Randra scheme in the rural areas ?

Shri Hathi : The present question relates to the assistance that we are going to receive and chiefly it is going to be diesel generating sets. If that area requires them, naturally the Pombay Government would write for them.

Shri Bhagwat Jha Azad : May I know whether any condition has been attached by the Government of Canada on such an offer ?

Shri Hathi : No special conditions.

Rehabilitation Officials Conference

*1032. **Sardar Iqbal Singh :** Will the Minister of Rehabilitation be pleased to refer to the reply given to Starred Question No. 19 on the 23rd August, 1954, and state :

(a) which of the recommendations made at the Conference of Rehabilitation Officials held at Srinagar in June, 1954, have since been accepted ;

(b) which of them have been implemented so far ; and

(c) the reasons for the non-implementation of those on which a decision has been taken already ?

The Minister of Rehabilitation (Shri Mehr Chand Khanna) : (a) to (c). A statement giving the recommendations accepted by the Ministry and the present position regarding their implementation is placed on the Table of the Lok Sabha. [See Appendix VI, annexure No. 40].

Sardar Iqbal Singh : Out of 18 recommendations made by this Conference, only two have been implemented during the year. May I know the time required for the other recommendations to be implemented ?

Shri Mehr Chand Khanna : All the recommendations are being implemented. Some which are of a minor nature can be implemented soon but others which relate to evacuee property, payment of compensation, examination of cases under section 16 and all that, are likely to take a considerable amount of time.

Sardar Iqbal Singh : According to recommendation No. 6, recovery of arrears of rent from Government Departments and Government servants should be made, and if need be allotments or leases cancelled in their favour. May I know the number of leases and allotments cancelled during this year ?

Shri Mehr Chand Khanna : I cannot give this information offhand but I can say that in consultation with the State Governments, we have decided that where a lease has expired, it is not to be renewed, and that every possible attempt

should be made to terminate the leases as soon as possible and in case a house or a shop fall vacant, it should either be allotted to displaced persons or auctioned.

Sardar Iqbal Singh: In view of recommendation No. 16, may I know the value of the Government-built property that has been transferred to the displaced persons?

Shri Mehr Chand Khanna: The approximate value of the evacuee property is about Rs. 100 crores.

Sardar Iqbal Singh: What is the value of the property transferred to the evacuees during this year—total amount approximately?

Shri Mehr Chand Khanna: I did not allow the question.

Mr. Speaker: What is the value of the property that Government are going to allot now to the refugees? That is the question.

Shri Mehr Chand Khanna: The value of the property is about Rs. 100 crores and the contribution of the Government is about Rs. 85 crores.

Shri N. B. Chowdhury: May I know whether the amounts given to the refugee students are being deducted while making payments of compensation to their guardians?

Shri Mehr Chand Khanna: Though the question does not arise out of this question, I am willing to give the answer. Loans have been advanced to refugee students under the two heads: one, small loans and the other loans for studies abroad. As far as the small loans are concerned, they are being remitted; as regards the loans for studies abroad, they will be treated as public debts and realised.

Sardar Iqbal Singh: With regard to recommendation No. 17, may I know the total amount of loan that has been granted to the rural people?

Shri Mehr Chand Khanna: The amount allocated for this year is about Rs. 20 lakhs. I could not tell offhand whether every penny of this amount had been disbursed or not. But my information is that most of it might have been spent.

Tyre Manufacturing Factories

*1034. **Shri Bishwa Nath Roy:** Will the Minister of Commerce and Industry be pleased to state whether any proposal is under consideration for starting new Tyre Manufacturing Factories under the Second Five Year Plan?

The Minister of Industries (Shri Kanungo): Yes, Sir; but nothing has been finalised yet.

Shri Bishwa Nath Roy: May I know whether this factory would be a State concern?

Shri Kanungo: No. The proposal is that it will be a private concern in South India.

Shri Bishwa Nath Roy: Will the Minister be pleased to state where the factory is to be installed?

Shri Kanungo: It is merely at the proposal stage.

Shri Joachim Alva: Does any Government agency study the tyre manufacturing process in India and are Government aware that big tyres of bulldozers are bought for Rs. 6,000 for the Bhakra-Nangal project and that they are re-done for just Rs. 700 and those tyres when they are re-done run for a pretty long time?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): Sir, it is all very interesting and I am grateful to the hon. Member for educating me.

Shri V. P. Nayar: In view of the fact that the bulk of the raw rubber produced in India is produced in the Travancore-Cochin State and also in view of the fact that at present the tyre-manufacturing factories are situated at Calcutta and other places and further in view of the extreme difficulties in regard to the labour position in the Travancore-Cochin State, may I know whether the Government have undertaken to start a State-owned rubber factory with an emphasis on tyre manufacture in the Travancore-Cochin State in the rubber producing area of that State?

Shri T. T. Krishnamachari: No, Sir.

Shri Punnoose: I want to ask one question.

Mr. Speaker: We go to the next question.

Shri Punnoose: There is a proposal of the Government....

Mr. Speaker: Order, order. Will hon. Member kindly resume his seat? Hon. Members will see this. I find that while putting questions all sorts of arguments for their cases are being put in and unnecessary time is taken over the question.... (Interruptions.) Order, order. That was one thing. Secondly, when I see that something is being taken out, I do allow more questions but I do not

want hon. Members to cover all the possible field on the subject in the form of questions only to find that other questions are barred for want of time. There are other questions of importance.

Shri Punnoose : You were pleased to make that remark. I know all that. The Government of Travancore-Cochin has made a proposal to this Government that the Government-owned factory may begin producing tyre. I wanted to know that and that is why I stood up.

Mr. Speaker : He may put that question.

Shri T. T. Krishnamachari : No, Sir.

Sindri Fertilizers

***1035. Shri Barman :** Will the Minister of Production be pleased to state:

(a) whether the Sindri Fertilizer expansion scheme is connected with the completion of the Panchet Hill Dam so far as supply of raw water is concerned; and

(b) if so, the steps taken to ensure that the time schedules of these schemes, i.e., Sindri Fertilizer & Co. Ltd., expansion scheme and the Panchet Hill Dam are kept side by side?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey) : (a) and (b). The provision of water for the expansion scheme of Sindri Fertilizers and Chemicals Ltd., is not dependent on the completion of the Panchet Hill Dam, although the Dam will doubtless improve Sindri's water supply position. Sindri's requirements of water for the expansion scheme can be drawn from the Damodar river, supplemented to the extent necessary, by the Gowai Barrage.

Shri Barman : It is learnt that the sub-soil water that is being supplied by Gowai at present comes only to 8.8 million gallons whereas in the case of the expansion scheme the water required may be 14.5 million gallons. Is it the case?

Shri R. G. Dubey : The average requirement of Sindri per day is 7.4 million gallons. The peak requirement would be 8.8 million gallons. These requirements are drawn from the Damodar river. In case of additional water supply, we are going to have an additional pumping house raised in Damodar river and in summer infiltration galleries water will be used to add to the water supply.

Shri Barman : May I know the production expected of this expansion plan and the value of the bye-products.

Shri R. G. Dubey : The estimated production of urea is 70 tons per day and double salt 400 tons a day.

Shri G. P. Sinha : Is there any proposal to have another fertilizer factory in Bihar in view of the shortage of fertilizers?

Shri R. G. Dubey : I have answered this very question; as the House knows the Fertilizer Committee is examining this question.

Shri L. N. Mishra : May I know if the working of the coke oven plant has been examined and whether it has reduced the cost of production in any way?

The Minister of Production (Shri K. C. Reddy) : Yes, Sir. The coke oven plant has been set up and is now producing about 600 tons of coke every day and it has to a slight extent reduced the cost of production of ammonium sulphate.

मेसर्स अतुल प्रोडक्ट्स लिमिटेड

***१०३६. श्री के० सी० सोधिया :** क्या बालिग्य और उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) सरकार ने मेसर्स अतुल प्रोडक्ट्स लिमिटेड को १९५५ में अब तक कुल कितना ऋण दिया है ;

(ख) ऋण की क्या शर्तें हैं ; और

(ग) क्या उस कंपनी की प्रबंध समिति में सरकार का कोई प्रतिनिधि है ?

उद्योग मंत्री (श्री कानूनगो) : (क) ७५ लाख रु० ।

(ख) एक विवरण सदन के पटल पर उपस्थित किया जाता है । [देखिये परिशिष्ट ६, अनुबन्ध संख्या ४१]

(ग) जी हां ।

श्री के० सी० सोधिया : मैं जानना चाहता हूँ कि यह कम्पनी कब से काम कर रही है ?

श्री कानूनगो : १९४७ से ।

श्री के० सी० सोधिया : इस का टोटल पेड-अप कैपिटल कितना है ?

श्री कानूनगो : पांच करोड़ रुपया तो श्रीयोराइज्ड कैपिटल है और तकरीबन डार्ड करोड़ रुपया पेड-अप कैपिटल है ।

श्री के० सी० सोबिया : क्या यही सिर्फ एक कम्पनी है जिस को कि रुपया दिया गया है या इस किस्म की और कम्पनियों को भी दिया गया है या दिया जाएगा ?

श्री कानूनगो : जो चीज वहां बनती है अगर उसकी जरूरत हो तो दिया जाएगा ।

Shri Bhagwat Jha Azad : What are the reasons for not covering the stock of materials against the loan advanced by the Government to this company ? Why were they excluded ?

Shri Kanungo : We have covered the fixed assets and stores that are mortgaged. The materials that have been excluded are those which are in daily consumption.

Shri V. P. Nayar : May I know whether this loan advanced to Messrs. Atul Products has been made for their programme of manufacture of sulphadiazine, folic acid and aureomycine for which I find that this particular company is in partnership with the American Cynamide Company; and, may I also know whether in view of the fact that such agreements have been condemned in the strongest language in the Pharmaceutical Enquiry Committee's Report, Government chose to call for a revision of such agreements before they advanced such loans?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : So far as the first part of the question is concerned, the advance has been made for purposes of improvement of dyes manufactured in this company. So far as the second part of the question is concerned, well, in regard to issue of licences in the future advances the recommendations of the Pharmaceutical Enquiry Committee will be taken into consideration.

Nepa Newsprint Factory

*1038. **Shri Kamath :** Will the Minister of Commerce and Industry be pleased to state :

(a) the quantity of newsprint paper produced at present by the Nepa Newsprint Factory (Madhya Pradesh) per day;

(b) the names of the States where Nepa newsprints are consumed; and

(c) the total amount of financial aid given so far by the Centre to the Project since its inception ?

The Minister of Industries (Shri Kanungo) : (a) The Nepa factory is now having trial runs and the average daily production may be taken as 15 tons of bleached newsprint.

(b) The States to whom this newsprint has been despatched so far are Bombay, Madras, Delhi and Madhya Pradesh.

(c) Rs. 180.03 lakhs have been sanctioned so far by the Central Government as loan to the Madhya Pradesh Government for financing the Nepa Project.

Shri Kamath : How much capital has been invested in this newsprint factory by the three sectors: the Central Government, the Madhya Pradesh Government and by private shares; and what is the quantum of representation of these three on the board of directors ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : There is no capital, so far as the Central Government is concerned, invested in this concern. The Central Government merely advanced money to the Madhya Pradesh Government though the Madhya Pradesh Government has agreed to give representation to the Central Government on the board of directors.

Shri Kamath : I want to know the quantum of representation of the three—Central Government, Madhya Pradesh Government and private shareholders—on the board of directors.

Shri T. T. Krishnamachari : So far as the representation of Central Government is concerned this is done because the Madhya Pradesh Government have agreed to give the Central Government a representation on the board of directors.

Shri Kamath : Is it a fact that the mills had to suspend production at one time because there was no room to stock the paper produced and the Madhya Pradesh Government also did not help to purchase the stock even though they were printing text books for which purpose they could have purchased it ?

Shri T. T. Krishnamachari : The position with regard to this unit is that it is a unit primarily owned by the Madhya Pradesh Government and it is not one operated by the Central Government. Therefore, matters of details with regard to matters connected with this particular

mill are not matters of which the Central Government is normally cognizant of.

Shri Kamath : What are the arrangements for the sale of newsprint to the newspapers? Does the Government have any voice or do they care to see that this stock of newsprint is not cornered by private parties, thus depriving Government of its legitimate share of profit in this industry?

Shri T. T. Krishnamachari : The Government has an interest in the sale of newsprint as part of its interest in industries in the country; but the Government has no voice in regard to the management or sale of the production of this particular newsprint factory because it is entirely the responsibility of the Madhya Pradesh Government.

Documentaries and Newsreels

*1041. **Shri M. S. Gurupadaswamy :** Will the Minister of Information and Broadcasting be pleased to state :

(a) whether it is a fact that the Documentaries and Newsreels of the Government of India are being given to private parties for the purpose of processing on a contract basis;

(b) if so, the annual expenditure incurred thereon; and

(c) the parties who are entrusted with this work?

The Minister of Information and Broadcasting (Dr. Keskar) : (a) Yes.

(b) A statement in respect of each financial year is placed on the Table of the House. [See Appendix VI, annexure No. 42].

(c) At present the work is entrusted to :

- (1) Bombay Film Laboratory;
- (2) Ramnord Research Laboratories;
- (3) Modern Sixteen Laboratories; and
- (4) Film Centre.

Shri M. S. Gurupadaswamy : From the statement it is seen that in the year 1947-48 the amount spent is only Rs. 3425-11-0 but in the year 1954-55 the amount spent is Rs. 4,58,302-15-0. May I know what is the reason for this rapid increase in expenditure for processing these films during this short period?

Dr. Keskar : It is obvious that in 1947-48 we were at the very beginning of the Films Division's work and the number of films we were producing were very few. The work of the Films Division has been increasing and my hon. friend is doubtless aware that from last

year large numbers of films are being produced for the publicity of the Five Year Plan.

Shri M. S. Gurupadaswamy : May I know whether it is a fact that one company out of four companies which are processing these films is without a laboratory and still the documentaries and films are entrusted to this company by Government for processing?

Dr. Keskar : No, Sir; that is not true. There was one company the laboratory of which was not satisfactory in accordance with our standards. We have put it as a condition that they must improve their laboratory before we give them more work and they have rectified whatever shortcomings they had.

Shri M. S. Gurupadaswamy : Is it not a fact that Ramnord Company is having a contract under the Government and they are sending the films for processing to some other laboratory after which they send them down to Government?

Dr. Keskar : As far as I am aware it is not true and I may also inform the hon. Member that we have appointed about six or eight months back, a committee to look into the whole question of how to get our films processed and to suggest the best way. That Committee's report will be submitted to Government and we propose to give all processing work in accordance with the recommendations made therein.

Nandi Konda Board

*1042. **Dr. Rama Rao :** Will the Minister of Irrigation and Power be pleased to state :

(a) whether an Administrative Officer has been appointed to the Nandi Konda Board; and

(b) if not, the reasons therefor?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) No, Sir.

(b) An administrator will be appointed by the Central Government in consultation with the participating States of Andhra and Hyderabad after the Nandi-konda Control Board starts functioning.

Dr. Rama Rao : It is reported that the headquarters of the administrator will be at Hyderabad. Since the work will be at Nandi Konda, far away from Hyderabad, and in view of the advisability of the administrator staying as close to the site of work as possible, will the Government consider the advisability of fixing up his headquarters as early as possible at Nandi Konda?

Shri Hathj : The administrator has not yet been appointed but the Control Board will take into consideration what would be the most convenient place for the headquarters of the administrator.

Fertilizer Factory for Andhra

*1043. **Shri S. V. L. Narasimham :** Will the Minister of Production be pleased to refer to the reply given to Starred Question No. 6 on the 25th July, 1955 and state :

(a) whether it is a fact that the Government of Andhra have requested for the establishment of a Fertiliser Factory at Bezwada ;

(b) the average consumption of fertilisers in Andhra each year ; and

(c) the proportion the consumption in Andhra bears to the total production in the country ?

The Deputy Minister of Production (Shri Satish Chandra) : (a) Yes.

(b) Taking nitrogenous fertilisers only, the consumption in Andhra State during the year 1954 was about 70,000 tons of ammonium sulphate. The demand during the year 1955 is estimated at 75,000 tons of ammonium sulphate and 2,000 tons of urca.

(c) About 20 per cent.

Shri S. V. L. Narasimham : May I know what place the Andhra State occupies in the country in relation to the consumption of fertilizers ?

Shri Satish Chandra : It is one of the foremost States in that respect.

Shri S. V. L. Narasimham : In view of the reply given by the hon. Minister may I know whether the Central Government has any proposal to establish a factory for the production of fertilisers in the Andhra State ?

Shri Satish Chandra : A committee was set up for the purpose. It has examined many sites. The advantages and disadvantages in locating the factories on each of those sites have been discussed in the report of the Committee.

The entire report is under consideration. The Government have not so far arrived at any firm decision in the matter.

Shri T. B. Vittal Rao : May I know whether the Government of Hyderabad have expressed their dissatisfaction at the Committee's report ?

Shri Satish Chandra : Many State Governments are expressing satisfaction

and dissatisfaction, because almost all major States want a fertiliser factory to be set up in their area. The entire question is still under consideration. It is only after weighing many factors including proximity of the consumer points, transport facilities, availability of raw material and power etc., that any decision will be taken.

Shri Raghavaiah : May I know whether Government are aware of the fact that the authors of the Fertiliser Enquiry Committee Report have agreed with the idea of establishing a factory in Andhra State ?

Shri Satish Chandra : As I submitted, the report has considered about a dozen sites and Vijayawada is also one of them. The merits and demerits of locating a factory in a particular place are discussed in the report, a copy of which is placed in the Library of the House.

Indian Embassy Washington

*1044. **Shri D. C. Sharma :** Will the Prime Minister be pleased to state whether the Foreign Service Inspectorate has made any proposals for effecting economy in the Annual Establishment Charges of the Indian Embassy in Washington ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : No. The Inspectors have not yet visited the Embassy in Washington.

Shri D. C. Sharma : May I know how many embassies are visited by the Foreign Service Inspectorate every year and how many have been visited this year and what is the programme for the next year ?

Shri Sadath Ali Khan : I shall endeavour to answer this question. In their first round of visits abroad, the Inspectorate visited eleven Missions and posts in Europe and the Missions at Tehran and Karachi. In their second round of visits, the Inspectorate has visited China, Japan, Hong Kong and Indonesia. These visits were arranged on a priority basis. In the next round of visits some countries in South-East Asia and Africa are likely to be visited.

Shri D. C. Sharma : What were the annual establishment charges of the Indian Embassy in Washington in the year 1954 and what are the charges for the current year ?

The Deputy Minister of External Affairs (Shri Anil K. Chanda) : There is a budget provision of Rs. 1,50,000 for the Foreign Service Inspectorate.

Shri D. C. Sharma : May I know if the trend is towards economy or increased expenditure and may I also know how many of these persons who are covered by the establishment are Indians and how many are non-Indians ?

Mr. Speaker : He is combining two questions. What is the first question ?

Shri D. C. Sharma : May I know if the tendency, so far as the establishment charges are concerned, is towards economy or in the other direction ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : The tendency is towards economy plus expansion which means more expenditure.

Shri D. C. Sharma : May I know how many of the persons covered by the establishment charges are Indians and how many of them belong to other nationalities ?

Shri Jawaharlal Nehru : Where ?

Shri D. C. Sharma : In Washington.

Shri Jawaharlal Nehru : If it is a separate question, we can give the exact figures. But may I say that everywhere, naturally, our staffs are Indians except usually for the very subordinate staffs which it is a little difficult to get from India and much more costly; and sometimes other difficulties also rise. But the object of course, is to have an entirely Indian staff everywhere.

Shri D. C. Sharma : May I know in what way the minor staff to which the hon. Prime Minister referred is recruited for these Indian Embassies abroad ?

Shri Sadath Ali Khan : Is he referring to cnauffeurs and similar staff ?

Mr. Speaker : e refers to the subordinate staff to which the Prime Minister referred.

Shri Sadath Ali Khan : I think the Prime Minister just answered that question.

Rubber Industry

*1045. **Shri Ibrahim :** Will the Minister of Commerce and Industry be pleased to state the measures Government have taken for the development of the rubber industry ?

The Minister of Commerce (Shri Karmarkar) : (1) Government have approved a scheme for rendering financial assistance to rubber growers, spread over a period of 10 years, for replanting 70,000 acres of old and worn out areas with high yielding varieties of rubber.

(2) A scheme for extending the area under rubber cultivation by 10,000 acre is under consideration.

(3) A scheme for the establishment of a Rubber Research Institute to render technical advice and undertake research in rubber cultivation is being implemented.

Shri Ibrahim : May I know whether India is self-sufficient in rubber ?

Shri Karmarkar : No, Sir, not yet.

Shri V. P. Nayar : May I know whether in formulating the scheme Government have inquired into the cost structure of articles manufactured out of rubber in order to ensure that those who have a monopoly of the manufacture, especially of foreign origin, do not mop up profits and that the rubber growers can be ensured of the highest prices for the raw rubber produced ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : I hope we will be able to place on the Table of the House before long the report of the Tariff Commission on the manufacture of tyres and the price charged, if that is what the hon. Member has in view. He might wait until we place that report on the Table of the House.

Shri Punnoose : May I know the extent of demand for the new type of plants, that was made by the people during the last year and how much was the Government able to supply, and whether it is a fact that no plant was available for those who wanted to plant for the first time ?

Shri Karmarkar : I think Government have been able to do their best in the matter, but I should have proper notice.

Shri Punnoose : Is it a fact that the new Rubber Board has been formed and may I know whether consultations have been made with all interested parties including labour before the members were taken in ?

Shri T. T. Krishnamachari : To the extent that assurances have been given on the floor of the House, the answer is 'yes'. But certain elections have got to be conducted in order to complete the composition of the Board.

Collieries

*1046. **Shri Bhagwat Jha Azad :** Will the Minister of Production be pleased to state :

(a) whether the Coal Board is preparing a black list of collieries ; and

(b) if so, the basis for putting a colliery on the black list ?

The Parliamentary Secretary to the Minister of Production (Shri R.G. Dubey) : (a) Yes.

(b) A colliery will be put on the black list for persistent violation of mining rules for adoption of wasteful methods of mining for supplying bad quality of coals and for refusal to carry out conservation and safety measures according to the directions issued by the Coal Board and the Chief Inspector of Mines.

Shri Bhagwat Jha Azad : May I know whether in preparing such lists, the Government called for information and witnesses as were necessary and whether they are being supplied by the coal mines ?

Shri R. G. Dubey : This information is awaited. A reference has been made to the Chief Inspector of Mines and the Deputy Coal Commissioner for production and distribution. The matter will be finalised after the particulars are received.

Shri Bhagwat Jha Azad : May I know whether in preparing such lists, any particular area has been selected, on an experimental basis ?

Shri R. G. Dubey : No particular area has been selected.

Shri Bhagwat Jha Azad : If certain coal mines are to be put on the black-list, what action will be taken against them by the Government ?

Shri R. G. Dubey : As and when the list is prepared, action will be taken against the defaulters under the rules framed under the Coal Conservation and Safety Act, 1952.

Shri Bhagwat Jha Azad : May I know whether such a list has already been prepared by the Government ?

The Minister of Production (Shri K. C. Reddy) : May I add, Sir, that when a coal mine is placed on the black list the Government, which is the largest purchaser of coal, will not purchase coal from such a mine which is put on the black-list.

Rates and Costs Committee

*1048. **Dr. Satyawadi :** Will the Minister of Irrigation and Power be pleased to state :

(a) whether the Rates and Costs Committee have submitted their report ; and

(b) if so, the main recommendations thereof ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) and (b). The Committee has not yet submitted its final report.

डा० सत्यवादी : कब तक घाशा की जा सकती है ?

श्री हाथी : तीन चार महीने तक ।

Rain Gauge Stations

*1049. **Shri Raghunath Singh :** Will the Minister of Irrigation and Power be pleased to state :

(a) the number of rain gauge stations set up so far in the Himalayan Regions; and

(b) whether they will start functioning during the current year ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) So far, 7 rain gauge stations have been set up (five in Nepal, one in Sikkim and one in Bhutan).

(b) Yes, Sir.

श्री रघुनाथ सिंह : इसमें खर्च कितना हुआ ?

Shri Hathi : The total expenditure is about Rs. 7,79,000.

श्री रघुनाथ सिंह : क्या यह काम किसी यहां की फर्म ने किया या किसी फारेन फर्म के द्वारा हुआ ?

श्री हाथी : यहां पर फारेन फर्म का कोई प्रश्न नहीं है । इंडिया में यह काम इंडियन मीटियरलाजिकल डिपार्टमेंट के द्वारा होता है ।

Trade Agreement with Pakistan

*1053. **Sardar Iqbal Singh :** Will the Minister of Commerce and Industry be pleased to state :

(a) the main decisions taken in the Indo Pakistan conference held in Karachi recently for concluding a trade agreement between the two countries ; and

(b) the steps taken by Government so far, for the implementation of these decisions ?

The Minister of Commerce (Shri Karmarkar) : (a) The main decisions taken in the Conference are contained in the Joint Press Communique released by the Leaders of the Indian and Pakistan Delegations. Copies of this communique are placed on the Table of the House. [See Appendix VI, annexure No. 43].

(b) Does not arise as the Agreement will come into force only on the 1st September 1955 after it has been ratified by the Governments of India and Pakistan.

Sardar Iqbal Singh: It has been said in the statement that special facilities have been provided for people residing on the border of East Bengal and West Bengal. May I know the type of special facilities that will be provided? Will it concern the Government of India or the Government of Pakistan to provide such facilities to the people in West Bengal?

Shri Karmarkar: I would request my hon. friend to wait till the agreement comes into force after being ratified by the two Governments.

Sardar Iqbal Singh: May I know whether the Government of India are going to import cotton from Pakistan and if so, whether the Government would see that this import of cotton does not affect adversely the prices in this country?

Shri Karmarkar: I am not in a position to divulge any thing more than what is contained in the statement. The Agreement itself will come into force only from the 1st September.

Sardar Iqbal Singh: May I know whether some agreement has been concluded between India and Pakistan on the import and export of film also?

Shri Karmarkar: This is part of the agreement. I am afraid this is another way of getting out some information from me, which I am not prepared to give at present.

मैसर्स अतुल प्रोडक्ट्स, लिमिटेड

*१०५४. श्री को० सी० सोबिया : क्या बाणिज्य और उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) मैसर्स अतुल प्रोडक्ट्स, लिमिटेड, जिसे सरकार ने खूण दिया है, कब से व्यापार कर रही है ;

(ख) उसके द्वारा बनाये गये उत्पादों के क्या विस्तार हैं ;

(ग) क्या कोई विदेशी संस्था उसे सहायता दे रही है ; और

(घ) यदि हाँ, तो उस संस्था का क्या नाम है ?

उद्योग मंत्री (श्री कानूनगो) : (क) यह कर्म सितम्बर, १९४७ से चल रही है।

(ख) एक विवरण सदन के पटल पर उपस्थित किया जाता है। [देखिए परिशिष्ट ६ अनुसूच्य संख्या ४४]।

(ग) जी, हाँ।

(घ) अमेरिका की मैसर्स अमेरिकन स्नानामिड कं० और स्विटजरलैंड की मैसर्स सिबालि०, उसे सहायता दे रही हैं।

श्री को० सी० सोबिया : क्या डाइय के क्षेत्र में काम करने वाली कोई और कम्पनियाँ इस देश में हैं ? Is there any company manufacturing dyes in this country?

श्री कानूनगो : *यह चीज बनाने वाले और कोई कारखाने नहीं हैं।

श्री को० सी० सोबिया : इस कम्पनी ने पिछले साल कितना डिबीडेंड दिया था ?

श्री कानूनगो : अभी तक कोई डिबीडेंड नहीं दिया गया है।

श्री को० सी० सोबिया : क्या इस कम्पनी ने पिछले साल कोई डिबीडेंड दिया है ?

श्री कानूनगो : अभी तो यह काम नया ही चला है।

Shri Joachim Alva : While giving assistance to this firm, have the Government of India made enquiries or satisfied themselves that the prices of these products will be much less than the prices of such products which are imported?

Shri Kanungo : Government are satisfied that the prices of the products will be economic.

Shri V. P. Nayar : I want to know whether the Government have made advances to Messrs Atul Products Ltd. after taking a decision on the recommendations of the Pharmaceutical Enquiry Committee? May I also know whether Government have made any request to this company, in view of the recommendations, that their agreements should be so revised as to serve the national interest?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : In the first place, the decision to give assistance to the company, as I said before, was taken on the basis of improving the production of dyes and other allied products. The question of the Pharmaceutical Enquiry Committee's report does not come in here. Even if the Pharmaceutical Enquiry Committee's report covered the range of products manufactured by this company, we could not have taken this into consideration, at the time the loan was sanctioned because our decision was taken anterior to the publication of the report. As regards the revision of the agreements, agreements cannot be revised except when the term of the agreements comes to an end.

Shri V. P. Nayar : May I know whether in granting such amounts the Government have emphasised the necessity to start the manufacture from primary products or whether the money has been given irrespective of this fact?

Shri T. T. Krishnamachari : The presumption of the hon. Member is correct. In every case where we give any assistance, we insist on the firm concerned starting the manufacture from the primary products or at least making some attempts to that end.

Moroccan Situation

*1055. **Shri Kamath:** Will the Prime Minister be pleased to state whether it is a fact that India has joined the other countries of the Asian-African group in the United Nations in addressing a letter to the Security Council on the Moroccan situation?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): Yes, Sir.

Shri Kamath: What is the text of this letter and what steps have since been taken in this direction, particularly after the recent upheaval in Morocco?

Shri Sadath Ali Khan: If it is necessary, I would read out the text.

Mr. Speaker: It is not necessary to read the contents. It may be laid on the Table.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I am not quite sure, but it may not be proper to lay it on the table. It is something in the nature of a private letter. There is nothing special in it, but nevertheless it may not be quite suitable.

Mr. Speaker: Government are the best judges; it is for them to decide.

Shri Kamath: What steps have been taken subsequently in this direction particularly after the recent upheaval?

Shri Jawaharlal Nehru: If the hon. Member refers to the steps taken by the Asian-African Group the recent upheaval, of which the latest example was very deplorable, took place only two or three days ago. I know nothing of what the Asian-African Group has done in the last two or three days.

Shri Kamath: Is it a fact that the Bandung Conference adopted a resolution or took a pledge to strive for the freedom of Morocco, and if so whether a similar resolution was adopted or considered with regard to Goa?

Shri Jawaharlal Nehru: No resolution was adopted. There was a general statement made by the Bandung Conference about the colonial territories and in the course of that statement, some reference was made to a few places like Morocco, I think, Tunisia and Libya. Goa was not mentioned and many other places were also not mentioned.

Shri Kasliwal: May I know whether any efforts have been made in the past by the Government to raise this Moroccan question either before the Security Council or the General Assembly of the United Nations?

Shri Sadath Ali Khan: Yes. A letter was addressed to the President of the Security Council on August 21, 1953 on the question of the overthrow of Moroccan sovereign by France, but then the Security Council did not deem it proper to inscribe the item on its agenda. In 1952, the General Assembly adopted the resolution which expressed confidence among other things, that the French Government was endeavouring to give fundamental liberty to Morocco.

Shri Kamath: Is there any truth in reports appearing in a section of the Press that some, or, even a majority of this Asian-African Group are thinking of bringing the Goa question before the United Nations?

Shri Jawaharlal Nehru: This does not arise out of this particular question but I am not aware of any truth in these reports.

Iron Ore Deposits

*1056. **Shri Bogawat :** Will the Minister of Iron and Steel be pleased to state:

(a) whether it is a fact that the iron ore deposits of Orissa are rich enough to feed four more steel plants, besides the one at Rourkela; and

(b) if so, whether Government propose to establish more steel plants in Orissa ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) According to the estimates of the Geological Survey of India the available reserves of high grade iron ore (Hematite) in Orissa are considerably in excess of the needs of the proposed steel plant at Rourkela.

(b) Government have no such proposal under consideration at present.

(b) if so, the nature thereof; and

(c) the reasons therefor ?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) The original plan was to establish a plant of the capacity of 500,000 tons of ingot steel and 360,000 tons of finished products. In January, 1955, it was decided to double this capacity.

(c) This decision was taken as part of the plan to achieve the target of 6 million tons of ingots or 4½ million tons of finished steel.

WRITTEN ANSWERS TO QUESTIONS

Second Five Year Plan

*1011. **Shri D. C. Sharma:** Will the Minister of Planning be pleased to refer to the reply given to Starred Question No. 1051 on the 16th March, 1955 and state which of the irrigation schemes submitted by the Government of Punjab for inclusion in the Second Five Year Plan have since been examined by the Technical Committee ?

The Deputy Minister of Irrigation and Power (Shri Hathi): The Sirhind Feeder Project and the Gurgaon Canal Scheme have been examined by the Advisory Committee on Irrigation & Power. Detailed project reports and estimates of other schemes are awaited.

Radio Sets

*1012. **Shri Gidwani:** Will the Minister of Information and Broadcasting be pleased to state :

(a) whether it is a fact that Government are considering a proposal for giving advances of money to paid Government servants for the purchase of radio sets; and

(b) if so, whether a decision has been taken in the matter ?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). The proposal was considered and not accepted. Advances are given for purposes which are important or essential for the efficient discharge of Government Servants duties and it was felt that radio set does not fall in these categories.

Rourkela Steel Plant

*1014. **Dr. Ram Subhag Singh:** Will the Minister of Iron and Steel be pleased to state :

(a) whether there has been any change in the original plan of the Rourkela Steel plant ;

Admission to U.N.O.

*1016. **Shri Krishnacharya Joshi:** Will the Prime Minister be pleased to state :

(a) whether the Security Council of the United Nations have accepted the resolution sponsored by India and adopted by the General Assembly regarding the admission of twenty-one States to the U.N.O.; and

(b) the names of States which are awaiting admissions ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) No.

(b) Albania, the People's Republic of Mongolia, Jordan, Portugal, Ireland, Hungary, Italy, Austria, Rumania, Bulgaria, Finland, Ceylon, the Republic of Korea, the Democratic People's Republic of Korea, Nepal, Viet-Nam, Libya, the Democratic Republic of Viet-Nam, Cambodia, Japan and Laos.

Coal Tar Dyes

*1018. **Shri K. P. Sinha:** Will the Minister of Commerce and Industry be pleased to state :

(a) the progress made so far in respect of the manufacture of coal tar dyes at Jamshedpur which the Tatas were to start with the co-operation of a German firm viz. Bagers ;

(b) whether Government have any plan to start a factory of their own for the manufacture of coal tar dyes; and

(c) if so, where and at what cost ?

The Minister of Industries (Shri Kanungo): (a) No scheme has been received from M/S Tata Industries Ltd.

regarding the manufacture of coal tar dyes at Jamshedpur.

(b) No, Sir; not yet.

(c) Does not arise.

नेपाल और सिक्किम में सड़कों का निर्माण

*१०२२. **सेठ गोबिन्द दास :** क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि जन १९५५ तक नेपाल और सिक्किम में भारत की वित्तीय सहायता से कितने मील लम्बी सड़क बनाई गई ?

वैदेशिक कार्य मंत्री के सभा सचिव (श्री साबित भल्ली खाँ): जून १९५५ तक नेपाल में ७६ मील लम्बी और सिक्किम में १८ मील लम्बी सड़क बनाई जा चुकी है। इसके अलावा नेपाल में अमलेख गंज-मुर गंज सड़क की जो पिछले वर्ष बाढ़ से बहुत खराब हो गई थी मरम्मत की गई। सिक्किम में सड़क बनाने के अतिरिक्त १७६ मील की राज्य सड़कों और २५ मील लम्बे तिस्ता-गंगटोक राजपथों को ठीक रखने और सुधारने के लिये भारत सरकार द्वारा देख भाल की जाती है। नेपाल और सिक्किम में इन सड़कों के बनाने ठीक रखने और मरम्मत के काम के लिये भारत सरकार द्वारा खर्च किया जाता है।

Kurnool-Cuddapah Canal

*१०२३. **Shri C. R. Chowdary :** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that the capacity of the Kurnool Cuddapah Canal in the Andhra State is being reduced from 3,000 cusecs to 2,500 cusecs by spending Rs. 3 crores, contrary to the recommendation of the Technical Committee; and

(b) whether the Andhra State Government obtained the approval or sanction of the Planning Committee before this step of recession was taken up ?

The Deputy Minister of Irrigation and Power (Shri Hathl): (a) No, Sir.

(b) Does not arise.

Forward Contracts

*१०२४. **Shri P. Ramaswamy :** Will the Minister of Commerce and Industry be pleased to state whether it is a fact that Government propose to ban

"Budli" and "Jeth" contracts in Silver, bullion and other markets ?

The Minister of Industries (Shri Kanungo): No, Sir.

Class IV Employees' Quarters

*१०३३. **Shri M. Islamuddin:** Will the Minister of Works, Housing and Supply be pleased to state :

(a) whether it is a fact that the Delhi Improvement Trust has transferred about twenty-five acres of land at Sevanagar to Government for the construction of Class IV Employees' quarters;

(b) if so, whether the construction of quarters has begun ; and

(c) when it will be completed ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh):

(a) Yes sir.

(b) and (c). The construction of quarters was completed long ago.

Nugu and Bhadra Projects

*१०३७. **Shri N. Rachiah:** Will the Minister of Irrigation and Power be pleased to state:

(a) the amount spent so far on the execution of the Nugu and Bhadra Projects in the Mysore State ;

(b) the progress achieved so far; and

(c) when these projects will be completed ?

The Deputy Minister of Irrigation and Power (Shri Hathl): (a) to (c) A statement giving the requisite information is laid on the Table of the House.

[See Appendix VI, annexure No. 45].

यूरेनियम निक्षेप (डिपोजिट्स)

*१०३६. **श्री एम० एल० द्विवेदी :** क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मध्य प्रदेश के मुख्य मंत्री ने बताया है कि बैतूल (मध्य प्रदेश) के निकट यूरेनियम के निक्षेप हैं ; और

(ख) यदि हाँ, तो क्या इस सम्बन्ध में कोई सर्वेक्षण किया जा रहा है ?

प्रधान मंत्री तथा संवैधानिक कार्य मंत्री (श्री जवाहरलाल नेहरू): (क) श्री (ख). भारत सरकार को इस बात की कोई खबर नहीं है कि मध्य प्रदेश के मुख्य मंत्री ने बैतूल के पास यूरेनियम के जलीरों के बारे में कोई सूचना दी है। अणुशक्ति विभाग के ज्योलोजिस्टों द्वारा जलीरों के इस इलाके की खोज की गई है जिससे पता चला है कि यह इलाका कोई आर्थिक महत्व का नहीं है क्योंकि यहां अधिक मात्रा में यूरेनियम मिलने की कोई आशा नहीं।

Subsidised Industrial Housing Scheme

***1040. Mulla Abdullahai :** Will the Minister of Works, Housing and Supply be pleased to state :

(a) the amount sanctioned to the Madhya Pradesh Government so far under the Subsidised Industrial Housing Scheme;

(b) whether it is a fact that the grants are being given to the concerns which have constructed houses long before this Scheme was formulated; and

(c) if so, the basis for such grants ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) A sum of Rs. 25.53 lakhs as loan and an equal amount as subsidy have so far been sanctioned to the Madhya Pradesh State Government for the construction of 1950 tenements.

(b) No, Sir.

(c) Does not arise.

Broadcasting Stations

***1047. Shri Radha Raman:** Will the Minister of Information and Broadcasting be pleased to state :

(a) the number of new Broadcasting Stations opened so far during the current financial year and the number of stations that are still to be opened; and

(b) whether the work in this regard is proceeding according to the schedule ?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Three new Broadcasting Stations at Jaipur, Indore and Simla have so far been opened during the current financial year. Only Bangalore Station is yet to be opened.

(b) Yes ; substantially.

Panel of Housing Experts

***1050. Shri Gidwani :** Will the Minister of Planning be pleased to state:

(a) whether it is fact that the Planning Commission propose to set up a Panel of Experts on housing; and

(b) if so, when the Panel will be set up?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). A copy of the resolution setting up the Panel is placed on the Table of the House. [Placed in the Library. See No. S-281/55].

Community Projects and N.E.S. Blocks

***1051. Shri Krishnacharya Joshi:** Will the Minister of Planning be pleased to state:

(a) the total number of Community Projects and National Extension Blocks established in the country by May 1955; and

(b) the steps taken to complete the target of the First Five Year Plan ?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) (i) Community Development Blocks 432.

(ii) National Extension Service Blocks 477.

Total 909.

(b) Additional 117 National Extension Service Blocks were allotted in the last month, leaving a balance of 174 to achieve the target of 1200 blocks laid down in the the present Plan. These are proposed to be allotted towards the end of this year.

Printing Press in the South

***1052. Shri P. Ramaswamy :** Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to starred question No. 2617 on the 27th April, 1955 and state :

(a) whether the proposal for the setting up of a Central Government Press in the south has been finalised; and

(b) whether all the State Governments in the South including Hyderabad have been consulted in the matter?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (b). No, Sir.

Broadcasting Station at Bangalore

*1057. **Shri M. S. Gurupadaswamy** : Will the Minister of Information and Broadcasting be pleased to state :

(a) when the new Broadcasting Station of the All India Radio is proposed to be opened in Bangalore; and

(b) whether the preparations for the opening of the station are complete?

The Minister of Information and Broadcasting (Dr. Keskar) : (a) In the first week of November, 1955.

(b) Installation work is expected to be completed by 31st October, 1955.

Unemployment in Punjab

*1058. **Shri D. C. Sharma** : Will the Minister of Planning be pleased to state whether the Punjab Government has asked for any immediate aid for relieving unemployment problem in that state ?

The Deputy Minister of Planning (Shri S. N. Mishra) : No, Sir.

News Agencies

*1059. **Shri Ibrahim** : Will the Minister of Information and Broadcasting be pleased to state the amount paid by way of subscription to the various News Agencies subscribed for by the All India Radio during 1954-55?

The Minister of Information and Broadcasting (Dr. Keskar) : A statement showing the requisite information is laid on the Table of the Lok Sabha. [See Appendix VI, annexure No. 46].

N. E. F. A.

*1060. **Shri Bhagwat Jha Azad** : Will the Prime Minister be pleased to state :

(a) whether it is a fact that the Naga agitators armed with deadly weapons are attacking the peaceful citizens of the North East Frontier Agency;

(b) whether any damage has been done to the properties of the people there; and

(c) the action taken by Government in the matter?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) to (c). Certain extremist and misguided elements of Nagas are indulging in violent activities in the Naga Hills District and Tuensang Frontier Division. They are small in

numbers but have guns, rifles and other arms. They are using pressure and extortion on the peaceful and loyal citizens in certain areas. Government have moved adequate Assam Rifle units to this area and the situation is well under control. Slight damage has been caused by these unruly elements to a few roads and they have also burnt some houses of loyal villages. Government have taken the following steps :—

(i) The development activities in the Division have been stepped up.

(ii) Operations have been planned from time to time to comb out the areas sheltering the hostile elements.

(iii) Touring by civil officials and patrolling by Assam Rifles have been intensified in all the areas.

(iv) The system of village defence is being improved and people are being trained to offer resistance to terrorist gangs.

Cars

*1061. **Dr. Ram Subhag Singh** : Will the Minister of Commerce and Industry be pleased to state the probable period by which the complete manufacture of cars in India will be possible?

The Minister of Industries (Shri Kanungo) : Government hope that it should be possible, with the present rate of progress and sufficient demand, to achieve 90 per cent manufacture by the end of the Second Five-Year Plan period in respect of at least some of the approved makes of vehicles.

Subletting of Government Accommodation

*1062. **Shri Gidwani** : Will the Minister of Works, Housing and Supply be pleased to state :

(a) whether it is a fact that a number of Government employees have been given permission to sublet their houses; and

(b) if so, the reasons for giving such a permission?

The Minister of Works, Housing and Supply (Sardar Swaran Singh) : (a) Yes, Sir.

(b) In view of the overall shortage of residential accommodation, subletting is allowed, with a view to derive the maximum utilisation of all accommodation surplus to the actual needs of individual allottees.

विदेशी सेवा निरीक्षालय (इन्स्पेक्टोरेट)

*१०६३. श्री के० सी० सोषिया : क्या प्रधान मंत्री ३ मई, १९५५ को दिये गये तारांकित प्रश्न संख्या २७२८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या विदेशी सेवा निरीक्षालय द्वारा की गई सिफारिशों पर सरकार द्वारा विचार किया गया है ;

(ख) यदि नहीं तो उन पर कब तक विचार हो जाने की सम्भावना है ; और

(ग) इस वर्ष किन किन राजदूतावासों और मिशनों के निरीक्षण का कार्यक्रम बनाया गया है ?

विदेशिक कार्य मंत्री के सभा सचिव (श्री साबत झली झा) : (क) और (ख). विदेश सेवा निरीक्षकों की दी गई सिफारिशों पर सरकार ने विचार कर लिया है और पिछले साल देखे गये दूतावासों में जकार्ता और मैदान में अफसरों और स्टाफ के लिये बदले गये विदेशी भत्तों की आज्ञा जारी कर दी गई है । कुछ दूसरे शासकीय मामलों, जैसे दैनिक भत्ता आदि पर भी हुक्म जारी कर दिये गये हैं । कुछ मामले अभी विचाराधीन हैं ।

(ग) इस वर्ष अभी तक निरीक्षकों ने हांगकांग, पीकिंग, शंघाई, टोकियो; जकार्ता और मैदान का दौरा किया है । उनका भ्रमण प्रोग्राम अभी तक नहीं बनाया गया है ।

प्रशिक्षण संस्थाएं

*१०६४. डा० सत्यबाबी : क्या उत्पादन मंत्री २ अगस्त, १९५५ को दिये गये तारांकित प्रश्न संख्या ३४४ के भाग (क) के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि अखिल भारतीय खादी तथा ग्रामोद्योग बोर्ड पंजाब,

पेप्सू और हिमाचल प्रदेश में प्रशिक्षण संस्. १५ खोलने का विचार कर रहा है ;

(ख) यदि हां, तो किन स्थानों में ; और

(ग) वे कब खोले जायेंगे ?

उत्पादन उपमंत्री (श्री सतीशचन्द्र) :

(क) तथा (ख). अखिल भारतीय खादी तथा ग्रामोद्योग बोर्ड पंजाब के नीलोखेरी स्थान पर एक प्रशिक्षण केन्द्र खोलने का विचार कर रहा है । पेप्सू अथवा हिमाचल प्रदेश में इस समय कोई केन्द्र खोलने का विचार नहीं ।

(ग) पंजाब सरकार से इस कार्य के लिये ३० एकड़ भूमि मांगी गई है । भूमि मिलते ही इमारत बनाने का कार्य आरम्भ कर दिया जायेगा और उसके पूरा होते ही केन्द्र अपना कार्य शुरू कर देगा ।

Development of National Highways and Roads

535. Shri Karni Singhji : Will the Minister of Planning be pleased to refer to the reply given to unstarred question No. 158 on the 10th March, 1955 and state :

(a) whether the proposals for the development of National Highways and State Roads have since been received from the various State Governments; and

(b) if so, the details thereof?

The Deputy Minister of Planning (Shri S. N. Mishra) : (a) The proposals for the development of National Highways and State Roads under the Second Plan have not been received so far from all the State Governments; and

(b) the question does not arise.

Second Five Year Plan

536. Shri C. R. Narasimhan : Will the Minister of Planning be pleased to state :

(a) whether Government have considered the possibilities of starting small-scale iron industries during the Second Five Year Plan, in places where unused iron-ores are in abundance; and

(b) whether Government's attention has been drawn to a paper published in the Quarterly Journal of Geological and Metallurgical Society of India, Volume XV, No. 1, dated March, 1943?

The Deputy Minister of Planning (Shri S. N. Mishra) : (a) Yes, Sir. The establishment of small-scale iron plants involves the adoption of special techniques and a scheme for undertaking necessary investigations regarding the suitability of adopting such techniques has been approved.

(b) Yes, Sir.

External Publicity

537. Shri D. C. Sharma : Will the Prime Minister be pleased to state the amount spent by Government on External Publicity during the year 1954-55?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : The expenditure incurred on External Publicity in Posts abroad during 1954-55 was Rs. 46,61,586. This figure is however, subject to modification as a result of further adjustments to be made in the Supplementary Accounts for 1954-55.

Bhakra Nangal Project

538. Shri D. C. Sharma : Will the Minister of Irrigation and Power be pleased to state the extent of *banjar* land that will be irrigated by the Bhakra Nangal Project?

The Deputy Minister of Irrigation and Power (Shri Hathi) : The total *banjar* area which is to receive canal irrigation for the first time is 48,35,304 acres.

Displaced Persons in Rajasthan

539. Shri D. C. Sharma : Will the Minister of Rehabilitation be pleased to state :

(a) the total number of displaced persons in Rajasthan at present;

(b) the number of residential houses, tenements and shops constructed for them so far; and

(c) the number of these houses, tenements and shops lying unoccupied till the end of July, 1955?

The Minister of Rehabilitation (Shri Mehr Chand Khanna) : (a) 3,12,742.

(b) 1592 one roomed tenements, 904 houses and 1079 shops and wooden cabins.

(c) 207 one roomed tenements, 212 houses and 50 shops. This information is upto 31-5-55.

Community Projects and N. E. S.

540. Shri D. C. Sharma : Will the Minister of Planning be pleased to state the total amount spent on the Community Projects and National Extension Blocks in Punjab during the year 1954-55?

The Deputy Minister of Planning (Shri S. N. Mishra) : Rs. 159.28 lakhs.

Publications

541. Shri Gidwani : Will the Minister of Information and Broadcasting be pleased to state :

(a) the number of journals published by the Publications Division at present and their names ;

(b) the total cost incurred in publishing each one of them during the year 1953-54 ;

(c) the total income received from the sale-proceeds of each journal during the year 1953-54; and

(d) the measures that are proposed to be adopted to reduce the loss on each Journal?

The Minister of Information and Broadcasting (Dr. Keskar) : (a) to (d). A statement is laid on the Table of the House. [See Appendix VI, annexure No. 47].

नेपाल में बुमिष्ठ

५४२. श्री बिभूति मिश्र : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नेपाल में बुमिष्ठ के कारण मार्च से मई १९५५ के बीच बहुत से नेपाली भारत आ गये हैं ; और

(ख) यदि हां, तो उन्हें सरकार द्वारा क्या सुविधायें दी गई हैं ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : (क) और (ख). हमें खबर मिली है कि मार्च, अप्रैल और मई १९५५ में नेपाल के रहने वाले कुछ देहाती भारत में आये। इसके लिये कोई आंकड़े नहीं रखे गये हैं, क्योंकि नेपालियों को भारत में आने के लिये कोई रोक टोक नहीं है। उन्हें कोई खास सुविधायें नहीं दी गई हैं।

Trade Delegations

543. **Shri Bibhuti Mishra** : Will the Minister of Commerce and Industry be pleased to state :

(a) the number of trade delegations sent abroad during 1954 and 1955; and

(b) whether they have made any suggestions for the development of Indian trade?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) Three.

(b) Yes, Sir.

Chicken Embroidery

544. **Shri S. C. Samanta** : Will the Minister of Production be pleased to state :

(a) whether it is a fact that a centre to improve the workmanship and designs of *chikan* embroidery has been started in Lucknow; and

(b) if so, the amount that has been given as grants or loans to the centre by the Cottage Industries Board?

The Deputy Minister of Production (Shri Satish Chandra) : (a) Yes, Sir.

(b) Rs. 7,650/- as grant.

Chicken Embroidery

545. **Shri S. C. Samanta** : Will the Minister of Production be pleased to state :

(a) whether Government are aware that *chikan* embroidery from U. P. has become popular in U. S. A.;

(b) if so, how much worth of order has been received from U. S. A.;

(c) whether in any other part of the country this *chikan* embroidery work is being done?

The Deputy Minister of Production (Shri Satish Chandra) : (a) yes, Sir.

(b) Orders worth Rs. 32,500/- were received from United States of America upto December, 1954, for *Chikan* embroidery goods through the Government of U. P.

(c) No, Sir.

नेपाल में भारतीय

५४६. **सेठगोविन्द दास** : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि इस समय कितने भारतीय नेपाल सरकार की सेवा में हैं और कितने अन्य व्यवसायों में लगे हुए हैं ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : नेपाल सरकार की नौकरी में लगे भारतीयों की कुल संख्या १०७ है। वे ज्यादातर डाक्टर, मास्टर, इंजीनियर, प्रोफेसर आदि पेशे के लोग हैं। नेपाल में दूसरे पेशों में लगे हुए भारतीयों के सही आंकड़े नहीं मिले हैं।

P. W. D. in Manipur

547. **Shri Rishang Keishing** : Will the Minister of Works, Housing and Supply be pleased to state :

(a) whether it is a fact that the P. W. D. in Manipur has been divided into two Divisions and each Division placed under an Executive Engineer;

(b) if so, the areas and the works placed under each of the Executive Engineers; and

(c) the scale of pay of each of them ?

The Minister of Works, Housing and Supply (Sardar Swaran Singh) : (a) Yes, Sir.

(b) The Manipur P. W. D. is under the Chief Commissioner, Manipur and the detailed information asked for is not available but is being collected.

(c) One officer is drawing pay in the scale of Rs. 200-200-240 (Confirmation) -20-400-EB-25-600.

Information regarding the scale of pay of the second Executive Engineer who is a deputationist, is being collected.

Indians in Russia

548. **Chaudhuri Muhammed Shafiee** : Will the Prime Minister be pleased to state the number of Indians in Russia at present.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : Information is being collected and will be laid on the Table of the House in due course.

Radio Sets

549. Chaudhuri Muhammed Shaffee: Will the Minister of Information and Broadcasting be pleased to state :

(a) the number of radio sets manufactured in India since the 1st January 1955;

(b) the total amount spent on their manufacture; and

(c) the price at which they are available?

The Minister of Information and Broadcasting (Dr. Keskar) : (a) 28,428 sets, upto May, 1955.

(b) The information is not available with Government.

(c) The price of inexpensive sets is about Rs. 150/-.

Diplomatic Enclaves

550. Chaudhuri Muhammed Shaffee: Will the Minister of Works, Housing and Supply be pleased to state :

(a) the number of Diplomatic Missions who have built their own buildings on the plots purchased by them in the Diplomatic Enclave in New Delhi;

(b) the number of the Diplomatic Missions who have not purchased plots; and

(c) the number of persons, other than Diplomatic Missions, who have bought plots and built their own buildings there?

The Minister of Works, Housing and Supply (Sardar Swaran Singh):

(a) Five.

(b) Twenty Eight.

(c) Forty Nine.

Pashmina wool

551. Shri Hem Raj : Will the Minister of Commerce and Industry be pleased to state :

(a) the quantity of *Pashmina* wool exported this year (upto the end of June) by the different States and the price fetched there for ; and

(b) whether its export will be allowed in the year 1955-56?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) 15,152 lbs. have been exported only from the Punjab

State. Information regarding the value thereof is being collected and will be placed on the Table of the House as soon as possible.

(b) 3,500 maunds (287,00 lbs. approximately) of *Pashmina* wool have already been allowed for export during this year.

Compensation to Displaced Persons

552. Shri Bhagwat Jha Azad : Will the Minister of Rehabilitation be pleased to state :

(a) whether the final scheme for the payment of compensation to the displaced persons from West Pakistan has been drawn up ; and

(b) if so, the nature of the facilities proposed to be given to those who owned a rural house or shop or land in West Pakistan?

The Minister of Rehabilitation (Shri Mehr Chand Khanna) : (a) Yes.

(b) The facilities provided to the rural claimants under the Final Compensation Scheme are embodied in rules No. 44 to 69 and rule 97 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955. Copies of the rules were placed on the Table of the House on the 16th August 1955.

Indians Abroad

553. Shri Matthen : Will the Prime Minister be pleased to state :

(a) the number of persons of Indian origin in Ceylon, Malaya and Pakistan who have acquired local nationality during the last six years ; and

(b) the number of persons of Indian origin in these countries who have applied for local nationality but have failed to acquire the same?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) and (b). The information is being collected and will be placed in due course on the Table of the House.

Strike in Film Studios

554. Sardar Iqbal Singh : Will the Minister of Information and Broadcasting be pleased to state :

(a) whether there was any strike recently in the different film studios of Bombay organised by the Junior Cine Artists' Association ;

(b) if so, the causes the strike; and

(c) whether the Minimum Wages Act is applicable to this category of workers?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). Government are not aware of any strike organised by the union Cine Artists' Association in the different film studio in Bombay. It is understood, however, that the Association observed a "Demands Day" on the 10th June, 1955 when it organised a procession and demonstrated in front of various film studios with a view to focussing the attention of the producers on their demands, namely, recognition of the organisation, timely payment of wages, revision of wage scales and recruitment of studio employees through agents sponsored by the Association.

(c) No. Sir.

लेखन सामग्री

५५५. श्री के. सी. सोषिया : क्या निर्माण, आवास और सभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५४-५५ में केन्द्रीय लेखन सामग्री कार्यालय ने कितने प्रतिशत लेखन सामग्री स्थानीय रूप से खरीदी है तथा कितने प्रतिशत विदेशों से आयात की है ;

(ख) स्थानीय क्रय तथा आयात किस प्रकार किया है ; और

(ग) विदेशी सामग्री के क्रय में कमी करने के लिये क्या उपाय किये गये हैं ?

निर्माण आवास और सभरण मंत्री (सरदार स्वर्ण सिंह): (क) कागज तथा अन्य लेखन सामग्री :—

भारत में खरीदी गई ६८ प्रतिशत
आयात की गई २ प्रतिशत

इन आंकड़ों में टाइपराइटर, डुप्लीकेटर आदि जैसी मशीनों की खरीद शामिल नहीं है ।

(ख) भारत में खरीदारी प्रतियोगिक (competitive) टेन्डरों (tenders) के आधार पर की जाती है । विदेशों में खरीदारी करने के लिये मांग इंडिया स्टोर डिपार्ट-

मेन्ट, लन्दन या इंडिया सप्लाय मिशन वाशिंगटन को भेज दी जाती है ।

(ग) कोशिश यही रही है कि जहाँ तक हो अपने देश में बनी हुई चीजें ही खरीदी जायें । केवल उन्हीं चीजों का आयात किया जाता है जो या तो उचित प्रकार की ग्रथवा पूरी मात्रा में यहाँ नहीं मिल पाती हैं ।

अस्पृश्यता सम्बन्धी बातियाँ

५५६. श्रीमती अनुसूयाबाई बोरकर : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५४-५५ में आकाशवाणी के देहाती कार्यक्रमों में अस्पृश्यता की प्रथा के विरुद्ध कितनी बातियाँ तथा गाने प्रसारित किये गये हैं ;

(ख) कितने व्यक्तियों ने इनमें भाग लिया ; और

(ग) उन में हरिजन कितने थे ?

सूचना और प्रसारण मंत्री (डा० केशकर): (क) और (ख). सूचना एकत्र की जा रही है और यथा समय सभा की मेज पर रख दी जायेगी ।

(ग) सूचना उपलब्ध नहीं है क्योंकि अखिल भारतीय रेडियो केन्द्रों में, कार्यक्रम में भाग लेने वालों की सूची जाति के हिसाब से नहीं रखी जाती है ।

M.R.A. Mission

557. **Shri N. B. Chowdhury:** Will the Prime Minister be pleased to state :

(a) whether it is a fact that a Mission of M. R. A. is touring this country in the U. S. military aircraft ; and

(b) if so, whether prior permission of Government was obtained for this purpose?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). Yes. A request for the clearance of three U.S. military aircraft carrying civilian passenger

was received from the U.S. Embassy in India and permission was given. The aircraft came from Ceylon and were to visit Madras, Calcutta and New Delhi and then to proceed to Karachi.

Hindustan Housing Factory Limited, Delhi

558. { **Shri Kamath :**
Dr. Ram Subhag Singh :

Will the Minister of Production be pleased to state :

(a) the total expenditure incurred so far in connection with the establishment and working of the Hindustan Housing Factory Limited, Delhi from the date of its inception as the Prefab Housing Factory in 1948;

(b) the quantum or value of each material produced so far;

(c) how much of it has been sold to the public or to Government departments; and

(d) whether Government propose to take over the factory and run it as a State enterprise?

The Minister of Production (Shri K. C. Reddy) : (a) The Government Prefab. Housing Factory which was established in 1950 by the Government of India for the manufacture of prefabricated houses ceased to function effectively from the 1st April, 1953. A small Cell with a skeleton staff has however been retained to look after (i) the disposal of the surplus stores and (ii) finalisation of the outstanding payments, closing of accounts etc. The total expenditure incurred on the Government housing Factory upto the end of 1954-55 was Rs. 110.8 lakhs.

The Hindustan Housing Factory Limited was incorporated in January, 1953 as a private limited company. Government have not incurred any expenditure on the Hindustan Housing Factory Limited excepting Rs. 50,000/- being the Government's share of the subscribed capital.

(b) and (c). A statement giving the desired information is laid on the Table of the House. [See Appendix VI, annexure No. 48].

(d) The matter is under consideration.

Rehabilitation of Displaced Persons

559. **Mulla Abdullahai :** Will the Minister of Rehabilitation be pleased to state:

(a) the number of displaced persons rehabilitated in the Madhya Pradesh; and

(b) the number of displaced persons yet to be rehabilitated?

The Minister of Rehabilitation (Shri Mehr Chand Khanna) : (a) and (b). Information is being collected and will be laid on the Table of the Lok Sabha in due course.

Penicillin

560. **Shri Badshah Gupta :** Will the Minister of Commerce and Industry be pleased to state the total annual requirement of Penicillin in the country?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : Annual requirements penicillin have been estimated at 16-17 million mega units by Pharmaceutical Enquiry Committee. According to the current estimates of the Sub-Committee of the Development Council (Pharmaceuticals and Drugs), the consumption of penicillin by the Second Five Year Plan period is expected to be 40 million mega units per year.

Second Five Year Plan

561. **Shri Hem Raj :** Will the Minister of Planning be pleased to state the schemes submitted by the Punjab Government for the setting up of cottage and small scale industries in Punjab under the Second Five Year Plan?

The Deputy Minister of Planning (Shri S. N. Mishra) : A statement showing the schemes is placed on the Table of the House. (See Appendix VI, annexure No. 49).

Residential Accommodation

562. **Shri Veeraswamy :** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the self-contained quarters in Lodi Colony in New Delhi have been allotted; and

(b) if so, the basis on which they have been allotted?

The Minister of Works, Housing and Supply (Sardar Swaran Singh) :

(a) and (b). Self contained quarters in Lodi Colony comprise the following:

(i) 'A' and 'B' type flats; and

(ii) two blocks of flats already converted into self contained units from single room chummeries. All this accommodation stands allotted to the entitled officers. The allotments have been made according to seniority of qualifying service in New Delhi.

Cement Factoriee

563. Dr. Rama Rao: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of new cement factories that have been permitted to be established in Andhra;

(b) their location;

(c) the total capital invested therein; and

(d) the names of their owners?

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) : (a) Two.

(b) Fanyam Reserve Forest in Kurnool District, and Macherla in Guntur District.

(c) The total capital proposed to be invested is Rs. 1 crore.

(d) Messrs. Panvam Cements and Mineral Industries Ltd., Panvam; and Messrs. V. Ramakrishna Sons Ltd., Madras.

Note—*Vide* footnote below col. 4004.

This answer was later corrected by the Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari) *Vide* Part II Debates dated 29-9-55 as follows :

"There are other factories manufacturing dies in the country."

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LOK SABHA DEBATES

Dated 10.12.20/4

(Part II—Proceedings other than Questions and Answers)

10903

10904

LOK SABHA

Tuesday, 23rd August, 1955.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12-05 P.M.

PAPERS LAID ON THE TABLE

REPORTS OF DEVELOPMENT COUNCIL

- (i) FOR HEAVY CHEMICALS (ACIDS AND FERTILISERS); (ii) FOR INTERNAL COMBUSTION ENGINES AND POWER-DRIVEN PUMPS; (iii) FOR BICYCLES AND (iv) FOR SUGAR

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): I beg to lay on the Table a copy of each of the following papers, under sub-section (4) of section 7 of the Industries (Development and Regulation) Act, 1951:—

(1) Report of the Development Council for Heavy Chemicals (Acids and Fertilisers) for the year ended the 31st March, 1955. [Placed in Library. See No. S-264/55]

(2) Report of the Development Council for Internal Combustion Engines and Power-Driven Pumps for the year 1954-55. [Placed in Library. See No. S-265/55]

(3) Report of the Development Council for Bicycles for the year 1954-55. [Placed in Library. See No. S-266/55]

(4) Report of the Development Council for Sugar for the year ended the 31st March, 1955. [Placed in Library. See No. S-267/55]

COFFEE RULES

Shri T. T. Krishnamachari: I beg also to lay on the Table a copy of the Coffee Rules, 1955, under sub-section (3) of section 48 of the Coffee Act, 1942. [Placed in Library. See No. S-268/55]

RUBBER RULES

Shri T. T. Krishnamachari: I beg also to lay on the Table, with your permission, a copy of the Rubber Rules, 1955, under sub-section (3) of section 25 of the Rubber Act, 1947. [Placed in Library. See No. S-269/55]

ABDUCTED PERSONS (RECOVERY AND RESTORATION) CONTINUANCE BILL—Contd.

Mr. Speaker: The House will proceed with the further consideration of the following motion moved yesterday by the hon. Sardar Swaran Singh,

"That the Bill to continue the Abducted Persons (Recovery and Restoration) Act, 1949, for a further period, be taken into consideration."

The Minister of Works, Housing and Supply (Sardar Swaran Singh): I have no intention to make any lengthy speech. This legislative measure has come up for discussion before this hon. House on a number of occasions. On the last occasion, it was discussed in February, 1954 when the Parliament decided to extend its life till 31st May, 1955. The position of this work as it stood at the end of the year 1953 was reviewed in considerable detail. A number of hon.

[Sardar Swaran Singh]

Members of this House took part in that discussion and certain figures were placed before the House on behalf of the Government. After this, in May 1954, a conference took place between the representatives of the Government of India and the Government of Pakistan to review the position with regard to recovery work. At the end of these discussions, an agreement was arrived at and the Government issued a communique. I will not go into the details of the agreement that was arrived at between the two Governments. But, there are two or three important points to which I want to draw the attention of this House.

The two Governments agreed about the general approach that should be brought to bear on the implementation of the decisions arrived at, and in the agreement itself both the Governments reiterated the attitude that should be adopted with regard to this work. Both the delegations reaffirmed the determination to recover and restore all abducted persons as speedily as possible. For the furtherance of this humanitarian cause, it was agreed that progress made in recovery and restoration and the problems arising therefrom should be reviewed from time to time and effective measures taken to complete this work as early as possible and that with this end in view, every effort should be made to create an atmosphere where the woman can shed her fear complex and prejudices created in her mind since abduction, which can be ensured only if the recovered person is in a position to think and decide her future in a free and friendly atmosphere. Then, it was agreed that there should be a Joint Fact Finding Commission to ascertain the extent of outstanding work in either country. This is what the Agreement which was arrived at between the two Governments provided:

"The principle and the desirability of a Fact Finding Commission was accepted, and it was

decided to entrust the task to the two H.P.O.s who will be assisted each by one whole-time officer not below the rank of a Deputy Commissioner, and that the assessment should be completed within six months; further that a programme for the joint and expeditious verification of the lists should be drawn up immediately. Adequate staff should be deputed for the purpose, and it should be ensured that this assessment does not in any way retard the speedy recovery of abducted persons.

The terms of reference of the Fact Finding Commission will be:—

- (i) to assess the extent of outstanding work of recovery in the two countries; and
- (ii) to advise the two Governments on measures to be adopted for speedy conclusion of recovery work in both the countries."

[MR. DEPUTY-SPEAKER in the Chair]

The scheme of the work of this Fact Finding Commission and its constitution envisaged joint action by the two Governments. For various reasons this Fact Finding Commission could not start work and could not be in a position to start work for quite some time. Discussions took place about the personnel of the officers of the Deputy Commissioner's rank who had to be appointed to assist the two H.P.O.s in this work. There was considerable delay in actually setting up this Commission and in the matter of the nomination of the two Deputy Commissioners by the two Governments. Actually, it was only in February, 1955 that the two Deputy Commissioners who were to assist the two H.P.O.s actually started this work. This Fact Finding Commission has been looking into this recovery work and in the course of the last 4 or 5 months, it has examined a number of witnesses, official as well as non-official. A number of social workers including ladies in either country have

given evidence before this Commission and have put forward a number of viewpoints about the future set-up of the recovery organisation and as to what should be the general approach with regard to this problem. The report of the Fact Finding Commission is expected to be submitted to the two Governments by the end of this month. One cannot be very optimistic, regard being had to an international matter of this complex nature, that this report will actually be coming by the end of this month, and a lapse of two weeks or so will not be something which is unexpected. It will take some time before the recommendations are examined and this is a work which cannot be disposed of unilaterally by one country. International co-operation and joint action by the two Governments has been the approach with regard to the handling of this work. Therefore, even after the receipt of this report and examination thereof, the two Governments' representatives will have to meet and discuss as to what further action, if any, is necessary to be taken. It is for this reason that the present life of this Act was extended by an Ordinance only for a period of six months till the end of November. This will enable the examination of that report by the Fact Finding Commission, and then, in the light of that report, Government will know as to what is the extent of the outstanding problem and what should be the approach with regard to its handling. There can be various approaches whether any legislation is at all necessary thereafter, whether the whole thing could not be handled by the social workers, whether there should be any joint agency in which both the Governments could be represented either at official level or at non-official level will be points which are naturally to be gone into after this report is received. There was one other point of importance which was contained in that agreement which was arrived at between the two Governments. That relates to the procedure for ascertaining the wishes of the recovered person. On this point you

know, Sir, that there was a strong feeling expressed from various sections of this hon. House, and it was pressed, and quite rightly, that no person should be sent across to the other country against that person's wish. The Prime Minister also made the Government position quite clear when this measure came up for discussion in February, 1954 before this House, that no woman will be sent across against her wishes and that in the ultimate analysis it will be the desire of the recovered woman which would be the deciding factor in the final decision of her being released in this country or of sending her across to the other country. This thing was actually agreed upon between the two Governments and also the procedure was settled as to how it should be tackled. I will not read the text of that entire agreement, but the procedure was agreed upon according to which after the recovery, the wishes were ascertained and if she did not want to go, then she was kept in a home for some time and thereafter, after meeting her natural relatives if she still said that she did not want to go, she was not sent across, but was released.

Shri V. G. Deshpande (Guna): When was this agreement arrived at— in which month,—because our experience is not that even up to this time.

Sardar Swaran Singh: I do not know why the hon. Member should feel that way. This was arrived at in May, 1954, and I will presently give figures to indicate the actual picture that emerged out of the implementation of this agreement.

Shri V. G. Deshpande: I may tell that in May, 1955 I have brought a case to the notice of the Prime Minister and the Home Minister, but we could not get any redress.

Sardar Swaran Singh: I wish the matter had been brought to my notice. I am dealing with it, not the Prime Minister or the Home Minister, and if the hon. Member even now gives that case, I am prepared to look into it.

Shri U. M. Trivedi (Chittor): I think if it is not too late I can bring it to his notice even today, this evening. It is a very hard case where a woman is being driven out of this country with her four children.

Sardar Swaran Singh: I thought the hon. Barrister Member would be a little more considerate because he himself raised a particular case in the course of the debate last year and I had given an assurance that she would not be sent across against her will. Her will was ascertained and she was not sent. So, I expected he would really concede that point, because in that particular case about which he showed considerable amount of agitation when this Bill came up before this House in February last year, it was gone into and after considerable discussions, although there was a very strong viewpoint to the contrary also, ultimately it was found that the woman did not want to go and, she was released.

Our friend, the hon. Member **Shri Deshpande**, said his experience has been to the contrary. I will give figures to indicate the number of persons who were recovered during the year 1954 and up to the end of June 1955, because the figures thereafter are not very authentic and I will give only those figures which are authentic.

Up to the end of December, 1953, the figures had been given in the course of the debate in February last year. During 1954, 2,111 persons were recovered.

Shrimati Sucheta Kripalani (New Delhi): From where?

Sardar Swaran Singh: From India.

Shri V. G. Deshpande: How many from Pakistan?

Sardar Swaran Singh: From 1st January, 1955 to 30th April, 1955—465; from 1st May 1955 to 30th June, 1955—291. These are recoveries in India. I am sorry I am giving these figures separately because up to the

end of April, 1955 these figures have been agreed to by both the Governments.

Shri Nand Lal Sharma (Sikar): What are the corresponding figures for Pakistan?

Sardar Swaran Singh: If you show a little patience—I will not hide anything.

This indicates the total number of persons recovered up to the end of June, 1955. Out of this the total number of persons sent to Pakistan in 1954 was 1,114. By the simple process of subtraction the substantial figure of about 1,000 emerges which gives the number of persons who were not sent to Pakistan.

Out of the 465 who were recovered during the first four months of 1955, 249 were sent to Pakistan. And then out of the third figure I gave of 291, 119 persons were sent across to Pakistan.

The relative figures with regard to Pakistan are to this effect: During 1954 the total number of persons recovered was 247 out of which 160 were brought to India. From 1st January 1955 to 30th April 1955, 130 were recovered out of which 99 came over to India. For the third period, the months of May and June, out of 79 recovered in Pakistan, 49 came over to India.

Shrimati Sushama Sen (Bhagalpur South): What happened to the rest?

Sardar Swaran Singh: They were mostly released in the country of recovery as a result of the implementation of this agreement. If they were unwilling to cross over, then they were either restored to their relatives in the country of recovery or were permitted to go to whatever place they wanted to. This is what has happened in both the countries.

I may also give the total figures up to the end of June this year, ever since this work started to get an idea of the magnitude of this pro-

blem, and that will show the large amount of very solid work that has been achieved by this organisation in a human field. Up till the end of June 1955, the total number of persons sent to Pakistan after recovery is 20,623, and the corresponding figure for persons recovered in Pakistan and sent over to India is 8,992, which is roughly nine thousand. So, as a result of the efforts of this organisation, as many as thirty thousand persons have actually been restored to their families and relations, and some sort of rectification of that great evil had been attempted; and after the great disruption that had taken place in the wake of Partition, a certain amount of solace was sought to be imparted as a result of the functioning of this organisation.

I wanted to mention these figures to show that a very large number of persons and a very large number of cases were handled by this organisation. While handling such a colossal problem, where thousands of persons are involved—in fact, as many as thirty thousand were actually sent across the borders of the country from either side—if there are complaints in a couple of cases which might have come to the notice of one hon. Member, or even in a fairly large number of cases, that should not be surprising, because, after all, the persons who have to handle these things are normal human beings, and they have their failings, and sometimes the sources of information may not be quite authentic, and coloured, versions may sometimes be given leading to the recovery of a wrong person; or a hundred and one other things like that may happen. I would therefore, beg this House not to judge too harshly the entire organisation and its functioning merely because there are stray cases in which things did not shape in the form desired, or did not come up to the high standard which is naturally expected by this House in doing a work of this nature.

There was another matter in which hon. Members evinced a lot of interest, when this matter came up for

discussion last year, and that was the vexed problem with regard to the handling of children. The hon. Prime Minister in the course of his intervention in February 1954 had very clearly stated that this problem of dealing with children was a really very complex problem. I have no hesitation in saying that as time passes, the problem becomes still more complex. And for any man to hold any pedantic views or any views of a nature, which cannot be controverted, will, I think, be too much really to say. The fact is that these unfortunate cases took place about eight years or so ago. During this time, a number of things have happened. New ties have developed, and children have been born. What should be done to those children? The hon. Prime Minister had said that in dealing with these children, the future of the children or the welfare of the children will be the sole consideration. The situation is not quite easy. On the one hand, we have to see that there was a woman who for no fault of hers by a conspiracy of very gruesome circumstances found herself either stranded or the victim of either the lust or some other wicked motive of bad people, and thus found herself in a helpless position. In many cases, probably she has passed hands, and gone over from one to another, and in this process, children have been born. Is it a case in which opportunity should be given to that woman to breathe a little free air, and after breathing that free air and after meeting her natural relatives, to express her will finally as to what she wants to do? Or has a stage come when we should really write off those women, whether they are in India or in Pakistan, and be content with this idea that the lapse of time now has brought us to a situation where we could say that let us leave them to their own fate? Opinions on a subject of this nature, which is a highly complex social problem, may vary. And personally, for myself, I would really like to be guided by the observations that the hon. Members of this House may have to make on that score.

[Sardar Swaran Singh]

But there is one thing which appears to be clear, and that is that the whole thing happened in circumstances over which those unfortunate women had no control. Society perhaps will not be justified in treating them just as chattel and leaving them to their own fate, but it should provide some method by which they can come out from that fear complex and from that terrible atmosphere, and then express their wishes after breathing a little free air as to what they want to do.

So far as the question of children is concerned, action has been taken both at the social and the official levels to ensure that their future is not marred, and that something should be done really to rehabilitate them. There could not be any other method but to leave the choice to the woman who decides to go across as to what she wants to be done with regard to the children. If she says that she wants to take the children or one out of the two, or two out of the three, etc. then generally her wishes are the predominant factor in deciding the fate of the children. That, I think, is something which does not appear to be unreasonable. After all, the wishes of the mother are also a good guide to the best interests of the child. And if we have acted on that basis, I think this presumption is not unreasonable.

With regard to the children that are left behind, they are generally taken care of by what are called abducted fathers, an expression about the tenor of which I am not very much enamoured; but that is the way of describing a social creature that is the outcome of the terrible happenings of Partition. If the abductor father does not take any interest, then the children are kept in the children's home.

I would give some figures to indicate as to how this choice has actually been exercised, and what has been the picture that has been emerging with regard to these children. In the

year 1954, these post-abduction-born children who were taken to Pakistan by their mothers numbered 163, as against 578 that were left behind in India. During the first four months of 1955, i.e. from 1st January to 30th April the number of children that were taken by their mothers to Pakistan was 36 as against 148 that were left in India. And during the two months, May and June of 1955, 23 children were taken across to Pakistan as against 39 who were left behind in India. The total for the period for which figures are available is something like this; 461 children were taken by their mothers to Pakistan as against 1271 that were left behind.

So far as Pakistan is concerned, in 1954, 22 children were brought by their mothers to India as against 17 that were left behind. In the first four months of 1955, ten children were brought, and 17 left behind. In May and June of 1955, 18 children were brought as against 2 that were left behind.

Now, there is another subject about which lot of interest is shown by the hon. Members of this House, about the functioning of the Indo-Pakistan Tribunal. This tribunal decides the cases of those women who express their desire not to go over to the country other than the country from which they are recovered. The tribunal has to decide two things. Firstly, it has to decide whether the person recovered is an abducted person and secondly, whether that person has to be sent across.

I will give some figures to indicate as to what has been the result of the work of this joint Indo-Pakistan Tribunal, and how have the cases been decided in implementation of the decision that was taken in May, 1954. I have got the figures from 1st April, 1954 to 30th June 1955.

Shri S. S. More (Sholapur): Why were not these figures circulated before?

Sardar Swaran Singh: It is not necessary because I am giving these figures here.

Shri S. S. More: We find it difficult to digest them and draw necessary conclusions. The figures are sufficiently elastic and evasive. What conclusions can we draw when they are supplied to us on the floor of this House?

Sardar Swaran Singh: Really it is a question of summing up; I am only adding here. All these figures are contained in the printed debates,—most of them in the printed debates of this House. Questions have been put from time to time and those figures have been given.

Shri S. S. More: So, we have to do some research work. Is that so?

Sardar Swaran Singh: The hon. Member raised that point on the last occasion also. But, I thought that circulation will not be better than incorporation in the debates and if that has escaped the notice of hon. Members, I can say only that I thought that presentation in this form will be helpful.

Shri S. S. More: It is something.

Sardar Swaran Singh: I am really doing the drudgery for the hon. Members, for they do not want to do any research and they avoid it. I have got the figures from April 1954 to June 1955.

Shri N. C. Chatterjee (Hooghly): What are they?

Sardar Swaran Singh: I am happy that my hon. friend after his return from abroad, after his arrival in this hon. House wants...

Shri N. C. Chatterjee: You have figures for which period?

Sardar Swaran Singh: From April 1954 to June, 1955.

Mr. Deputy-Speaker: He is not one of the recovered.

Shri S. S. More: He was abducted for some time.

Sardar Swaran Singh: He is not recovered nor is he discovered.

The total number of cases of Muslim persons recovered that were handled by this Indo-Pakistan Tribunal during these 15 months was 932.

Pandit Thakur Das Bhargava (Gurgaon): Every case is handled by them.

Sardar Swaran Singh: If, after recovery, the woman says she wants to go immediately, then the case need not go to the Tribunal.

The number of such cases is very small but, to be more exact, I thought I might describe them in this form. The number of persons involved in these 932 cases was 1924; the number is larger because sometimes there are children recovered along with the women. Out of these, 985 persons were sent across to Pakistan and 939 persons were restored to relations in India or were allowed to go wherever they liked, which indicates that half the persons who were actually recovered were not sent across. I am citing these figures to indicate the untenability of the normal criticism that is levelled in such cases that as soon as some persons are recovered, sending them across is more or less automatic and that their fate is decided more or less and that the cases in which those persons are actually released here are very small. This indicates that practically 50 per cent of the persons who were recovered were actually released in India, either restored to their relatives or permitted to go wherever they wanted to go.

Pandit Thakur Das Bhargava: This includes the number of children also who were sent to Pakistan. What is the number of those persons who elected to live here and who did not wish to go—out of the 932 recovered?

Sardar Swaran Singh: Out of those 932, as many as 173 wanted to stay on here and they were actually permitted to go to whatever place they wanted, including restoration to relatives in India.

The relevant figures with regard to Pakistan are—total number of cases

[Sardar Swaran Singh]

214 involving 368 persons (non-Muslims). Out of them, the number of persons restored to relations in Pakistan is 23 cases with 83 other persons,—probably children—and the number of those restored to relations in India, that is, brought over to India, is 191 cases with 285 others,—who were probably children. The percentage is approximately the same in either case, human nature being the same all over.

Shri C. K. Nair (Outer Delhi): May I know if children born after the partition of India were sent along with their mothers?

Sardar Swaran Singh: I took some time to elaborate this point about the disposal of children and I said in an earlier part of my submission that the wish of the woman has been the predominant factor in taking a decision about the interest of the child. And, generally, when the woman wanted to take the child, we have not stepped in unless the case was one which required our intervention or we felt that it was not in the interests of the child that it should go with the woman.

In the agreement it was also provided that against the decisions of the tribunal, the parties aggrieved have got the right of appealing to the Government. There has been appeals to the Government and I think it is necessary to give some figures to indicate as to how these appeals have been disposed of and what has been the result.

Shrimati Sucheta Kripalani: If I may interrupt, we would like to know what is your machinery for hearing the appeals.

Shri N. C. Chatterjee: Who actually heard these appeals?

Shri V. Deshpande: Social workers?

Sardar Swaran Singh: I do not know why my friend is so much averse to social workers. I would have been happy if good social work-

ers were available to hear such appeals. Unfortunately, they are not available and Government has to hear those appeals.

Shri V. G. Deshpande: There is an iron curtain one cannot go into.

Sardar Swaran Singh: Iron is not such an impregnable thing these days and if you really probe into these curtains you will probably find that there is no curtain at all. I would really appeal to the hon. Member not to have that iron curtain before his eyes and try to look beyond that iron curtain which, unfortunately, he has thought fit to draw in front of his own eyes.

If these solid figures I have given about the number of persons recovered, about the number of persons who have been released after enquiry will not satisfy him, then, I think that even an oxygen curtain can be a big obstacle, not to speak of a big iron curtain. No one can show light to a person who refuses to see.

I was saying that appeals had come to the Government. While I was going to give those figures, a query was put as to what was the machinery for hearing appeals. It is not a tribunal sort of thing or any particular officer who has been designated to hear those appeals, nor is it customary to give any regular hearing in the form of inviting any elaborate arguments. The number of such cases has been rather few, because, by and large, people appear to be satisfied with the functioning of the tribunal, as I have indicated, by the large number of cases in which they themselves have not decided to send the person across. Therefore, by and large, there is satisfaction, and the few cases that come up are examined in the Ministry by senior officers, and the ultimate decision has to be taken by the Minister himself.

Shrimati Sucheta Kripalani: If I may again interrupt, by which Ministry is it examined? Because this

is placed under the External Affairs Ministry, and the Minister dealing with it is himself.

Sardar Swaran Singh: The officers in the External Affairs Ministry who are dealing with this matter are supposed to be subject to my orders.

Shrimati Sucheta Kripalani: Of the External Affairs?

Sardar Swaran Singh: Yes.

Pandit Thakur Das Bhargava: He says final orders are passed by the Minister.

Sardar Swaran Singh: The figures are these: the number of cases released by orders of the Government of India: 43 women with 86 children; the number of cases released by orders of the Government of Pakistan: 3 women with 5 children; the number of cases that are still pending with the Government of India on the 20th August 1955: 3; the number of cases with the Pakistan Government on 20th August 1955: 8.

I am grateful for the indulgence that has been shown to me to enable me to place these figures before this hon. House. I collected these figures in view of the strong desire expressed on the last occasion that all these figures should be given in the opening speech rather than that the matter should be left to be fished out by queries from hon. Members.

As I have said earlier, the Fact Finding Commission is already functioning. The Commission is likely to give its report by the end of this month—may be another two weeks. The whole matter will be gone into again, and some sort of decision will have to be taken as to what should be done to tackle the outstanding cases. The House will expect me to give some estimate of the number of cases still outstanding. This number cannot, from the very nature of the circumstances, be very exact. Clues have been given from time to time, sometimes more than one member of the family have actually recorded their

complaints or clues at more than one agency, and therefore, the total list is really illusory. But there are, roughly, still about 4,000 to 5,000 cases where final investigation has yet to be made in either country, where it cannot be said as to whether the person recovered has died or whether the person exists or does not exist and whether it is a case of recovery or not. But the number of cases is about 5,000, taking both the countries together, roughly about half the number, about 2,500 or a little less than that in this country, and a little over 2,500 on the other side, about which the investigation has not yet begun—actually the investigation has not yet taken place in these cases. I gave some figures about the number of persons who actually crossed, roughly about 30,000. That means that the actual number of cases that must have been investigated is much larger because in a large number of cases, either the recovery could not be held or it was found that the person is dead or is not traceable. Therefore, from the very nature of the problem on account of this dispersal all over, and the circumstances in which that thing happened, it was really a very colossal problem.

Shri Nand Lal Sharma: May we know the number of persons involved in these cases?

Sardar Swaran Singh: Obviously not possible; each case will really involve one person; children that might have been born will be the only addition. But it cannot be really stated as to whether those cases can be recovered. I am not stating that, because those are cases in which further investigation has to be carried out to find out what was the fate of those cases.

As has been the practice in this problem, our approach has been human and not political. I am aware of the criticism that can be levelled that the number of persons who had been recovered from Pakistan and sent over to us is only half the number that was sent across to the other side.

Shri Nand Lal Sharma: Less than half.

Sardar Swaran Singh: 4999 recurring? I cannot be very mathematical in this matter, but the figures are there. I would ask this House not to consider this problem merely by numbers. The 9000 and odd persons who came over to India, who had been separated from their relatives and have now again rejoined their families here in India are really those individual cases of happiness, and any amount of mathematical calculation or working of percentage, to my mind, will not be a very correct approach.

Shri D. C. Sharma (Hoshiarpur): Has he calculated also the amount of unhappiness that is caused to people here and elsewhere?

Sardar Swaran Singh: It is really in an effort to decrease that unhappiness that this work is being carried on. Opinions may differ, but, by and large, the organisation is now functioning in a manner where there cannot be any reasonable criticism that our people are being pushed across in an unsocial manner or in a manner which is against the wishes of those persons. If there are any further suggestions for improving the work, hon. Members are most welcome to put them forward. There may perhaps be a further discussion after the report of the Fact Finding Commission is received, as to what should be the best way of tackling the problem when it is on its last legs and what should be the best way of doing something either by way of any social work or by way of any governmental work.

With these remarks. I commend the motion for acceptance by this hon. House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to continue the Abducted Persons (Recovery and Restoration) Act, 1949, for a further period, be taken into consideration".

Shri U. M. Trivedi: May I make one request in the beginning? The hon. Minister has given very useful figures in his speech; not a single minute of his speech has been a waste. But he has taken more than 50 minutes. Therefore, this time must be extended so that we may be able to express our views; otherwise, we will be very much handicapped. This is a very important Bill.

Shri Kamath: (Hoshangabad): The whole day may be allotted. That will be good.

Mr. Deputy-Speaker: I am not able to follow.

Shrimati Sucheta Kripalani: We want extension of time. The hon. Minister has taken 50 minutes.

Shri U. M. Trivedi: And he will take some time to reply also.

Mr. Deputy-Speaker: The total number of hours allotted for this is 3 hours, out of which the hon. Minister has taken 51 minutes. Let us see how many hon. Members want to participate.

Shrimati Sucheta Kripalani: The Bill merely seeks to extend the duration of the Act. Therefore, ordinarily there would not be much to say on this matter. But I would like to say a few words because, as the hon. Minister has already referred to, there is considerable misunderstanding and considerable anxiety about the work that has been done by this Department both in the House and outside.

I may be very grateful to the hon. Minister for making a detailed speech and giving us a lot of information. As a matter of fact, he has replied to many of the questions which I would have put to him.

He has clarified various issues, but I would still like to say a few words because there are two opinions about the desirability of the continuance of this organisation. There is an opinion that for eight years this work has gone on and now it is not desirable to go on recovering women after such

a long period. On the other hand, there is another opinion that as long as a single woman is kept with an abductor against her will, it is our sacred duty to recover the woman and bring her back. There is considerable dissatisfaction over the figures that we get from time to time of recoveries. Recoveries in India are on a much larger scale than recoveries in Pakistan, and naturally it is a matter of grief and disappointment to us that our women are not being recovered. For these two reasons we must take this opportunity to consider the entire administrative machinery and the policy followed in the matter of recovery. It is quite natural that for this kind of work there should be a temporary department, but I do not approve of the policy of Government of getting extension for short periods. By this Bill we are extending the life of this organisation for a few months. When the people who are working in an organisation do not know how long they will be there or know that they will be there only for a few months, it is but natural that they cannot put their heart and soul into their work as they suffer from a feeling of insecurity about their future. If the extension is for a very short time, it tends to increase inefficiency in the organisation. Secondly, there is another aspect in this particular kind of work. The work is to recover women who have been abducted. If the abductors know that after a certain date this work will be stopped, then they are encouraged to put forth greater efforts to keep such women in hiding, up to the deadline. Therefore, this hampers the work of recovery as the abductors put up greater resistance against recovery.

Mr. Deputy-Speaker: How can they be sure that the Act may not be further extended?

Shrimati Sucheta Kripalani: There is always the possibility that the Act may not be extended. It works both ways. The workers feel a sense of insecurity and the criminals get the opportunity to behave in a more recalcitrant manner. Therefore, we

should assess properly as to what is the dimension of the work remaining and how long it would take to complete the work and then fix the time, and try to complete the work within that period.

About the policy, I am very glad to hear what the hon. Minister has said. I could see from the trend of his speech that the Government are of the view that this work should be conducted more on humanitarian lines rather than on lines of mere maintenance of law and order. It is now time to think whether it is advisable to recover women after eight years. Shri Deshpande and Shri Trivedi mentioned certain hard cases. I also know of similar cases I remember in the early days of partition when I went to Jullundur, I was astounded to see some of these cases. I remember one case. There was a Muslim woman, a widow, who had become a Sikh. Her two little children had also become Sikhs. They were recovered and were kept in the Jullundur home. This woman said "I have nobody in Pakistan; I am a widow. I have my own little piece of land. I had to change my religion out of fear, but I want to live in my own place. I do not want to go to Pakistan." But our agreement with Pakistan was such that we had to send her back compulsorily. I came across another case where the woman had been converted. Meanwhile her men-folk had also changed their religion and had become Sikhs. I should think that it is natural that a woman, when she is recovered, should be restored to her family even if they were converted. Our agreement was such that any Muslim woman recovered had to be sent back to Pakistan irrespective of the fact that her family members were here. I saw her men-folk looking helplessly at her from outside the barbed wire.

Pandit K. C. Sharma: (Meerut Distt. —South): I do not think there can be any such law.

Shri U. M. Trivedi: There is. He is living in oblivion.

Shrimati Sucheta Kripalani: This case was brought to my notice by the lady who was in charge of the home. She said "My heart breaks to separate her from her family but I am helpless." At that time Shri Gopalaswamy Ayyangar was looking after this department. I pointed out these anomalies to him. I do not know whether the policy has been changed or not. But these cases demonstrate the need of change in the policy.

Recovery work is a delicate work. In this work individual's feeling and sentiment have to be taken into consideration. It has to be viewed not as a problem of law and order but as a very delicate human problem. Therefore, in such work each case must be considered carefully. In each case the head of the organisation should exercise his discretion. No hard and fast rules should be laid down. The hon. Minister has pointed out that if the woman does not wish to go, they have been following a policy of sending her back to the so-called abductor. If necessary, that has to be done. A general reorientation of policy is needed.

A proper administrative machinery should also be set up to implement the new policy. Larger number of social workers should be associated in this work.

The hon. Minister told us that in 1954 the Inter-Dominion Conference took two important decisions. One was to set up a Fact Finding Committee to assess the outstanding work and to suggest ways and means for expeditious work. The second was to open special homes where the recovered women would be given facilities to stay with their own relations so that they may get an opportunity to make up their minds as to whether they should go back to the abductor or remain with their own families. I am giving these details to show that work has not been going on expeditiously. The decisions were taken in May 1954. But the hon. Minister told us, that for assessment work the

machinery was not set-up till February 1955. I am told that a very highly placed officer of the Deputy Commissioner's rank was appointed to do this work. How much work has been done and how many districts have been surveyed by him. I would very much like to know.

The other decision was that special homes should be started in India as well as in Pakistan where these recovered women should be kept and given an opportunity to stay with their families, to enable them to make up their minds and decide as to what they should do. Even this home was not started for a whole year. The decision was taken in May 1954, but the home in India was started as late as May 1955 while the home in Pakistan has not yet been started. We would like to know the reason for the delaying in setting up the Fact Finding Committee because one of the objects of the Committee was to suggest ways and means for expeditious work. The very body that was to suggest ways and means for expeditious work did not start functioning for a whole year. Then again, while our home was set up in one year's time, the Pakistan home has not yet been set up. I would very much like to know from Government what steps they have taken to compel the Pakistan Government to start such a home.

Now I come to the administrative machinery. We all know that a very well-known social worker of India was associated with this work in the early stages and a considerable amount of work was done. About 30,000 women were recovered, but now she is no longer associated with this work.

Shri Kamath: Isn't she? Are you sure?

Shrimati Sucheta Kripalani: You can give your views when you speak. She was a very influential woman; she had influence in very high quarters. Therefore, even if official authority or power was not given to

her, she could do things, exercise discretion and bring drive and force in her work. It is not a very good and satisfactory way of work. If the Government wants to give responsibility to some person, that person should be given full power and authority in order to carry on the work effectively. She did not have the power but she used to carry on her work by these extra-governmental methods. But now the lady, who is in charge, has not got that influence with the Government. Therefore naturally the work suffers. I want to know how much power she has been given and whether she has sufficient power and discretion to do her work efficiently.

Sardar Swaran Singh: Actually there is no successor to that influential social worker; if there is any successor, I think I am the successor.

Shrimati Sucheta Kripalani: If you are the successor, I shall be very happy. If you are the successor, you will have to dissociate yourself from the work of the Ministry of Works, Housing and Supply and devote all your time only to this. If you do that, I have no objection. Whoever is at the top that person must have sufficient power and discretion. I will tell you what the difficulties are. It is an emergency department; so many things have to be done in a hurry. For example, a woman comes; she is in a bad state of health; she is pregnant and she must be admitted into the home immediately. Because the person in charge has not got the powers to admit her, the file goes on moving from the bottom to the top officials. By the time the file has moved, the woman is in a desperate condition. Again the office may have to spend certain amounts of money for rushing somebody from one place to another. But she can't do it. She must wait for formal sanction. Such red tape hampers work.

Therefore, my point is, firstly you must decide whether you want to continue this organization. If it is

necessary to continue it, then I would urge you to review the policy. The policy which was all right in 1947 may not suit today and an entire re-orientation of the policy may be necessary. After deciding on the policy, set up a proper administrative machinery and whoever is in charge, give that person full authority so that she can make that organisation work efficiently. If you do not give full authority, efficient work is not possible. I do not minimise the good work that has been done. But there are enough difficulties in the work and these must be removed for the sake of good and efficient work.

Now, I would like to say a few words about the Tribunal. Formerly I understand that the Tribunal consisted of police officials; but now certain social workers are associated with the Tribunal; that is good. Then there is the appeal. If the appeal from the Tribunal goes to the Minister, it means that it does not go to the Minister direct but it goes to the Under Secretary, Deputy Secretary, Secretary, and so on.

Sardar Swaran Singh: Actually it lies to the Government under the Agreement.

Shrimati Sucheta Kripalani: I understand. That is why I want to say that if it goes by the ordinary routine method, then there can be no expedition in the case. You should set up some machinery to hear appeals. The Minister himself should be responsible. If he likes, he can associate with himself certain social workers having legal knowledge. Women social workers with legal knowledge would be best.

The Hon. Minister also told us that the Tribunal did not go into details. I mean the body which hears appeals. But it should go into details and the woman should have an opportunity to come and place her difficulties before this higher body. There should be another woman associated with the body so that she would feel no hesitation in placing all her difficulties. Therefore, I feel that there is

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much that needs to be changed if this organisation is to at all work. It should either be run properly or wound up. There is enough confusion in the running of the department.

This body is under the Ministry of External Affairs but the Minister in charge is the hon. Minister in charge of Works, Housing and Supply. There is a third body which deals with all matters dealing with India and Pakistan—that is the Ministry of Rehabilitation. Why cannot all these activities be brought under one proper Ministry so that the work can go on well? As long as there are various authorities under which a department has to work, naturally there will be delay and inefficiency. Nobody will feel the responsibility. In Bengali we have a saying that a mother who belongs to too many children is never taken to the Ganges after her death. The fate of this organisation is like that. There are too many people in charge of it. Who is really responsible? I have some experience of such work. If I have about five masters to serve, my work will not be done. It is therefore proper that all their activities should come under the Rehabilitation Ministry. If that is not possible let it be under one Ministry and let that Minister be responsible. I would again emphasise the need of new programme and policy. I will suggest that a committee of some Parliament Members and other social workers should be appointed to go into the matter to suggest what should be the policy, for how long this department should be run and what should be the proper administrative machinery for efficient conduct of the work of this department.

सरकार इकबाल सिंह (फाजिलका सिरसा):
सब से पहले अगर इस बिल की तारीफ को दंसा जाय जब से कि यह शुरू हुआ है तो पता चलेंगा कि पहले आर्डिनेन्स आता है, फिर बिल आता है। फिर दोबारा बिल आता है,

फिर आर्डिनेन्स आता है, फिर बिल आता है, इस के बाद बिल लेप्स हो जाता है और आज फिर बिल आया है। जिस मेशीनरी का यह हाल हो और जिस मेशीनरी के नीचे काम करने वालों का यह खयाल हो कि मालूम नहीं कितने दिन तक यह आर्डिनेन्स चले और उस के बाद पता नहीं किस शकल में बिल आवे, वह मेशीनरी और उस के नीचे काम करने वाले किस तरह से ठीक ठीक काम कर सकते हैं? मैं समझता हूँ कि अगर सरकार ने पहले ही दिन से इस को इस ढंग से लिया होता कि यह काम ६, ७ साल तक या ६, १० साल तक करना है तो ज्यादा बेहतर काम हो पाता क्योंकि जो काम करने वाले हैं अगर उन को यह मालूम हो कि कितने दिन में उन को यह काम पूरा कर देना है तो वह ज्यादा अच्छा काम कर सकते हैं। यह बड़ा मुश्किल काम है और आदमी की खांज करने फिर दूसरे दश में जा कर बरामद करने और उस को ठीक जगह पर पहुंचाने में काफी वक्त की जरूरत है। यह बिल पहले आर्डिनेन्स की सूत्र में आया उसी आर्डिनेन्स को आज हम २० नवम्बर, १९५५ तक के लिए बिल की शकल में ले आये हैं। यह ठीक है कि एक फॉक्ट फाइन्डिंग कमीशन बना है, उस के फॉसले के बाद हो सकता है कि किसी नई शकल का बिल आवे या इस बिल की ही शकल को बदल कर दुबारा पेश किया जाय, लेकिन अगर आप यह समझते हैं कि इस ढंग से हमारा काम चल जायेगा, तो इस से यह बेहतर होता कि इस चीज को शुरू से ही रख कर, इस चीज को एक शकल दे कर, साल ब साल एक रफ्तार से काम चलाया जाय, और कदरती तौर पर इस के नतीजे अच्छे निकलते।

इस बारे में ज्यादा न कहते हुए यही कहना चाहता हूँ कि इस बिल के पीछे सब से पहले एक इन्सानियत का जजबा है, उस के बाद कुछ हमारे फॉसले हैं जो कि हमारे प्राइम मिनिस्टर और पाकिस्तान के प्राइम मिनिस्टर

के दम्यानि हुए हैं कि हर उस आदमी को, जो अपनी स्वाहिशात के खिलाफ इस दश में या उस दश में रह गया हो, बरामद करना है। दूसरें जब तक एक भी बहन इस तरफ या उर तरफ रह गई हैं, उस वक्त तक यह काम चालू रहना चाहिये। अगर आप यह समझें कि यह वक्त की बात है, यानी आठ साल हो गये, अब इस काम को करने की शायद जरूरत नहीं, अब इस काम को उस जजबे के साथ करने की जरूरत नहीं जिस के साथ पहले किया जाता था तो मैं समझता हूं कि यह उसी तरह होगा जैसे कि आठ साल तक एक आदमी कैद में रहे और उस के बाद आप यह सोचें कि चूंकि यह आदमी आठ साल तक कैद में रह चुका है और बेल का आदी हो गया है, इस लिये इस को जेल से छोड़ने की जरूरत नहीं है। अगर आप इस चीज को जायज नहीं समझते हैं तो फिर इन बहनों के मामले में आप इस को कैसे जायज समझ सकते हैं? अगर एक बहन को उसके खयालात और जजबात के खिलाफ एक आदमी उठा कर ले गया और आठ साल तक वह उस के कब्जे में रही उस के बाद आप यह समझें कि अब उस बहन को उस के हाल पर छोड़ देना है तो यह उस कैदी की मिसाल के ही मुताबिक होगा।

सब से बड़ी चीज यह है कि जो फॉक्ट राईनिंग कॉमिशन बना है उस के नीचे जो आदमी काम करते हैं उन को बड़ी मुश्किल हालात में काम करना पड़ता है फिर भी उन को यह समझना चाहिये उन का यह एखलाकी फर्ज है कि जो बहनें इस तरफ रह गई हैं उन को उस तरफ भेजना है और जो उर तरफ रहे गई हैं उसको इधर लाना है। हालांकि इस दश के वायुमंडल में इस समय ऐसे खयालात भी चलते हैं जिस में कि लांग इधर की औरतों को उधर भेजना नहीं चाहते, लेकिन उधर से लाना चाहते हैं। अगर हम भेज नहीं सकते तो कूदरती चीज है कि हम उधर से लाने के भी हकदार

नहीं हो सकते। यह ठीक है कि इस तरफ से ज्यादा बहनें उधर चली गई हैं और उधर से बहुत कम आई हैं, लेकिन अगर हम इस चीज को सोचें और इन्सानियत के ढंग से सोचें और इस पर ध्यान न दें कि पाकिस्तान क्या कर रहा है तो आगे चल कर पाकिस्तान के एखलाकी जजबात भी ज्यादा मजबूत होंगे, जैसे कि आज हिन्दुस्तान के हैं। मैं यह आशा करता हूं कि हम अपने एखलाक के साथ, हिम्मत के साथ, अपने काम को चालू रखेंगे और कूदरती तौर पर हालात बेहतर होंगे। पाकिस्तान वालों को भी अपना रबैया बदलना पड़ेगा। आप न यह दंखा होगा, और जो फॉक्ट्स हमारे सामने रखे गये उन से भी पता चलता है, कि इस तरफ से जितनी बहनें गईं और उस तरफ से जितनी बहनें आईं उन में पहले बहुत ज्यादा फर्क था और आज एक और दो का ही फर्क रह गया है। लेकिन इस बात को मैं छोड़ता हूं। असली सवाल यह है कि जब तक एक भी बहन इस तरफ या उस तरफ है उस वक्त तक यह हमारा इखलाकी फर्ज है कि हम इस डिपार्टमेंट को अपना पूरा सहयोग दें, इस को पूरी ताकत बख्श कर, चलायें। सब से ज्यादा जो मुश्किल काम है वह यह है कि इस चीज का किस तरह से फैसला किया जाये कि कोई बहन इस तरफ रहना चाहती है या उस तरफ जाना चाहती है। इस चीज का फैसला करना और भी ज्यादा मुश्किल हो जाता है जब, हम उन हालात को देखते हैं जिन हालात में कि वे रहती हैं या उन के रखे जाने का खयाल होता है। यह एक इन्सानिय मसला है और आप इस को कोई सेट रूल बना कर हल नहीं कर सकते। जिन हालात में वह रहती हैं उन हालात के असरात से अपने खयालात भी वह बदल सकती हैं। इस वास्तव आप इस मसले को हल करने के लिए कोई खास रूल नहीं बना सकते या नहीं कह सकते कि इतने परसेंट जरूर छोड़ दी जायें या इतने परसेंट को उधर भेज दिया जाए या इधर रख लिया जाए। आप यह नहीं कर सकते

[सरदार इफ्ताल सिंह]

हैं। आप को हर एक केस को इन्सानी पहलू से हैं। आप को हर एक केस को इन्सानी पहलू से देखना होगा। आप को देखना होगा कि किन हालात में से गुजर कर वह आई हैं, किन हालात में वह रखी गई हैं, किन हालात के उस पर असरात हुए हैं और इन सब चीजों को देखने के बाद आप को किसी नतीजे पर पहुंचना होगा। यह एक खासा मुश्किल काम है। इस चीज को जो लोग जब करते हैं और खासतौर पर जो आपने ट्रीब्यूनल इस काम के लिए बनाया है उन पर इस चीज को देखने और सही फैसले पर पहुंचने की बड़ी जिम्मेवारी आती है। इस सिलसिले में मैं यह अर्थ करना चाहता हूं कि उस ट्रीब्यूनल के फैसले के खिलाफ जो अपील हो वह अपील आम अपीलों की तरह नहीं सुनी जानी चाहिये, उस को किसी आम रूटीन ढंग से नहीं हैंडल करना चाहिये। इस काम के लिए एक सैक्रेटरी हो। चाहे मिनिस्टर साहब खुद डील करें क्यों कि यह एक ऐसा मसला है जो कि आम रूटीन ढंग से डील नहीं किया जाना चाहिये। आजकल इसके बारे में लोगों को यह भी नहीं पता कि हैंड कॉन है और कॉन इस काम का इंचार्ज है और आया इस का हैंड कोई डिप्टी सैक्रेटरी है या कोई सैक्रेटरी है। आजकल पहले अंडर सैक्रेटरी होता है फिर डिप्टी सैक्रेटरी होता है और इसी तरह से दूसरे अफसर होते हैं। इस लिए यह एक बहुत लम्बा सा प्रोसीजर हो जाता है। मैं यह आशा करता हूं कि जो अपील हो वह सीधे सेंटरल गवर्नमेंट के पास आए और यहां पर चाहे सैक्रेटरी इन के साथ डील करें या मिनिस्टर साहब करें। इस तरह से इन अपील्स का डिपार्टमेंटल ढंग से निपटारा किया जाना चाहिये।

सब से बड़ी बात जो मैं कहना चाहता हूं और जिस के बारे में मैं ने अपनी एक एमेंडमेंट भी दी है वह यह है कि इस बिल को कम-अब-कम अगले साल तक जरूर लागू रखना

चाहिये। आप ने इस बिल को २० नवम्बर तक बढ़ाने के लिए कहा है और २० नवम्बर में अब सिर्फ दो ही महीने बाकी हैं। अभी एक कुछ कीसस ऐसे हैं जो इस तरफ भी और उस तरफ भी ट्रीब्यूनल के पास पड़े हुए हैं। कुछ लिस्ट हिन्दुस्तान की सरकार के पास हैं और इसी तरह से कुछ लिस्ट पाकिस्तान की सरकार के पास हैं जो कि पाकिस्तान ने हिन्दुस्तान को और हिन्दुस्तान ने पाकिस्तान को दी हैं। यह लिस्ट इतनी बड़ी हैं और जो कीसस हैं वे इतने कम्प्लिकेटेड हैं कि २० नवम्बर तक इन को खत्म नहीं किया जा सकता। उन में से कई कीसस ऐसे हैं जिनके बारे में यह भी पता नहीं चलता कि फ्लां हमारी बहन फ्लां जिले में है आया वह जिन्दा है या मर गई है या जिन की बाबत यह भी पता है कि फ्लां आदमियों के पास वे हैं उन का पूरा पता लगाना अभी बाकी है। अगर आप इस चीज को छोड़ देंगे तो यह एक बड़ी बंझसाफी होगी। जब तक यह मसला मौजूद है और जब तक आप के पास यह सबूत मौजूद है कि फ्लां जिले में फ्लां आदमी के पास हमारी बहन है और जब तक उस के बारे में आखिरी फैसला नहीं हो जाता उस वक्त तक मैं समझता हूं इस काम को बन्द नहीं करना चाहिये। फैंक्ट फाइंडिंग कमिशन जो फैसला दे यह जरूरी नहीं है कि वह सब पर जरूर लागू किया जाए। लेकिन जब तक एक भी बहन हमारी उस तरफ है या कोई भी बहन इस तरफ है हम को इस काम को जारी रखना चाहिये और इस बात को सोचना चाहिये कि वे किन हालात में वहां रहती हैं या उन को किन हालात में रखा जाता है। इस सवाल को हल करना हमारा इस्लामी फर्ज है। जो भाई उन को छोड़ कर आए हैं और जो उन को छोड़ने पर मजबूर हो गए थे और जिन हालात में उन को वहां रखा जा रहा है उन का हिन्दुस्तान के प्रति एक कर्ज है और हिन्दुस्तान को उसकी जिम्मेवारी लेनी होगी। ये बहनें जिन हालात में वहां रह गई हैं

हालात पर इन का कोई जोर नहीं था। तो अगर आप सोचते हैं कि यह काम दो तीन महीनों में पूरा हो जाएगा यह ठीक नहीं है। यह काम इतने थोड़े असें में पूरा नहीं हो सकता है। इस काम के पूरा होने से पहले यह बिल लैप्स हो जाएगा और फिर आप को ऑर्डिनेन्स जारी करने की जरूरत महसूस होगी। उस दौरान में आपका जो काम होगा वह तेजी से नहीं चल सकेगा। अगर इस बिल क़ी मर्यादा को बढ़ा दिया गया तो उस दौरान में आपको कई फ़ैसले करने पड़ेंगे। जो फ़ैक्ट फाइंडिंग कमिशन के फ़ैसले होंगे यह जरूरी नहीं कि वे सार के सार हिन्दुस्तान की सरकार पाकिस्तान सरकार से मनवा ले। मैं मानता हूं कि इन फ़ैसलों को मानने का काम आप के जिम्मे हो तो आप उनका जल्दी फ़ैसला कर सकते हैं लेकिन जब कोई फ़ैसला किसी दूसरी सरकार के साथ करना होता है तो यह बात जरा मुश्किल सी हो जाती है : यह बात भी सही है कि हमारे दश में बहुत सारे ऐसे आदमी हैं जो इस काम को नहीं चलने देना चाहते और उस दश में भी बहुत से ऐसे आदमी हैं जो यह नहीं चाहते कि यह काम अच्छी तरह से चले। मैं अर्ज करना चाहता हूं कि अगर आप ने इस एक्ट को एक साल तक और लागू नहीं किया तो इस एक्ट के लैप्स होने के बाद आप का काम अधूरा रह जाएगा और यह ठीक तरह से नहीं चल पायेगा।

मैं एक बात और कहना चाहता हूं और वह यह है कि जो औरतें लाई जाती हैं और कैम्पों में रखी जाती हैं उन के कौंस का फ़ैसला बहुत ज्यादा देर तक नहीं किया जाता है। मैं चाहता हूं कि हिन्दुस्तान की सरकार को पाकिस्तान की सरकार के साथ जब भी कोई नया फ़ैसला किया जाए उस वक़्त इस बात का भी फ़ैसला कर दिया जाए कि हर एक कंस का फ़ैसला ज्यादा से ज्यादा दो या तीन महीने के अन्दर हो जाना चाहिये और इस असें से ज्यादा

असें तक कोई भी कंस फ़ैन्डिंग नहीं रहना चाहिये। ६०० ९० बी० कालेज लाहौर में कई औरतें अभी बैठी हुई हैं जिन के कौंस का अभी तक भी फ़ैसला नहीं हुआ और इसी तरह से और भी कैम्पस हो सकते हैं जहां पर कि यह औरतें बैठी हुई हों। अगर उन के कौंस का जल्दी फ़ैसला नहीं किया जाता तो यह एन मुमकिन है कि जो खयाल उन का पहले था वह बदल जाए और वह भी मुमकिन है कि उन को कोई और फ़ैसला अंडर इन्प्रेस या किसी किसम के दबाव के नीचे आ कर करना पड़े। इस वास्ते मैं समझता हूं कि जो भी कंस बरामदगी का हो उस का फ़ैसला ज्यादा से ज्यादा दो या तीन महीने के अन्दर हो जाना चाहिये। आप को चाहिये कि आप पाकिस्तान सरकार से भी यह बात मनवाने का चलन करें।

जो बच्चों के बारे में कहा गया है कि यह एक बड़ा मुश्किल मसला है और यह फ़ैसला करना बड़ा कठिन है कि इनको हिन्दुस्तान में रहना चाहिये या पाकिस्तान में भेजना चाहिये। मैं समझता हूं इस बात का फ़ैसला करना उसकी मां पर छोड़ देना चाहिये। यदि वह चाहे तो उस को अपने साथ ले जाए और अगर चाहे तो यहीं घर में रहने दिया जाए। जब मैं यह बात कहता हूं तो यह भी मुमकिन है कि उन बच्चों को इस दश की समाज में उन को वह दर्जा न दिया जाए जो कि उन को मिलना चाहिये। इस वास्ते इस बात का फ़ैसला उसकी मां पर ही छोड़ देना चाहिये।

इतना कह कर मैं इस बिल का समर्थन करता हूं और यह आशा करता हूं कि गवर्नमेंट इस को कम से कम एक साल के लिए लागू करेगी और उस दौरान में नये एग्ज़ीमेट के बारे में पाकिस्तान के साथ सलाह करने के बाद जिस नतीजे पर पहुँचेगी उस के मुताबिक एक और बिल इस हाउस में लाएगी। अगर गवर्नमेंट इस बिल को लागू नहीं रखती और

[सरदार इकबाल सिंह]

दो महीने के बाद यह लैप्स हो जाता है तो मैं समझता हूँ कि जो इस्लामाबाद फर्ज गवर्नमेंट पर आबद होता है वह उसको पूरा करने पर अदा नहीं करेगी।

इतना कह कर मैं इस बिल का समर्थन करता हूँ।

Shrimati Sushama Sen: I am grateful to the hon. Minister for having made such a frank statement on the floor of the House. He has not over-estimated the work and from all points of view it seems reasonable that a Bill of this kind should be passed. As is agreed by all, abducted persons' recovery and restoration is to be taken on purely humanitarian grounds and no political issue should come into this. We were glad to hear from the hon. Minister, when this Bill came up last February, that the Pakistan Government are co-operating and they have shown their friendly atmosphere in this respect. This is the most essential thing that is necessary for the recovery of these unfortunate persons, who, for no fault of their own, have been brought to this position. Our sympathy and hearts go out to these unfortunate sisters of ours who are placed in this dreadful situation.

The question is that the magnitude of the problem, as was pointed out by the Minister, is enormous and it is a huge social problem and it has to be tackled very carefully and very tactfully. I have no doubt this is one of the reasons why there has been such a considerable delay. Eight years have elapsed. I believe the original figures were 35,000 from Pakistan out of whom 15,000 have been recovered and brought to India, and from India to Pakistan there were 30,000 and out of this—I do not know if I am quite correct—about 20,000 have been sent and there are about 10,000 left, who are still to be sent from India to Pakistan and there are about 15,000 to come from Pakistan to India. This is a huge figure

and I cannot understand how the hon. Minister said that within November we may be able to complete this work.

Sardar Swaran Singh: If I may clarify, what I said was, we will have the report of the fact-finding Commission. We will give thought to it and after benefiting by the observations that the hon. Members of this House may have to make, we may have some alternative proposal as to whether we should continue it in this form or in some modified form. This is what I said.

Shrimati Sushama Sen: I am thankful to the Minister for having clarified this point. But most people say that within these eight years, the abducted women are settled down or have adjusted to their conditions and are more or less happy and so why disturb them and bring them back to places where they may not be acceptable in their former homes or society. But this is not a fact. We know that both from Pakistan and from India these unfortunate women are longing to get to their respective homes. There may be a few instances where they would not like to return, because—and this is most important—they have borne children. The question of children is a very intricate and very delicate question and it has to be gone into thoroughly and proper steps taken so that these children are properly cared for, whether they are left in Pakistan or brought to India. There may be a few instances where they would not like to return, as I said, and they shall not be forced to return. The wishes of the women are predominant and if they are given the option to choose, and they wish to return to their own homes either to bring their children with them or, if they so desire, they can leave them to the care of the father, or if the father does not care to keep the children, the children are to be sent to the State children's homes. Here, I would like to stress a word of warning, namely, that the States must establish proper children's homes. I

am not satisfied with the progress they are making. The helpless, unfortunate children should be under the care and protection of good and properly-run homes. I do not know of the condition in Pakistan, but certainly in our own country, we have need for good children's homes and I would appeal to the Government to see that this question relating to the children of the abducted persons must not be a constant source of worry and anxiety to the already over-suffering women.

Regarding the women coming back to their homes, I do not think the Hindu homes are so inhuman as not to welcome them back. The abducted women who are left as they are may be all right and for the time being, perhaps all is well, but one must understand that there is a great difference between these unfortunate women and those who are legally married couples. The abductor is fully aware that he is not responsible to any one for maltreatment of the abducted person. So any kind of rough handling of the abducted women has to be prevented. It has often been the case that these abducted women get into disfavour of the abductor and then the abductor comes to sell the abducted women. There have been cases where a girl has been sold not once but several times. So this question has to be carefully considered. One cannot imagine the dreadful condition of such victims. Take it that the abducted person is ill-treated by the abductor, but what happens when he dies? She is left at the mercy of the villagers and no one can claim her and so this anomalous condition of women cannot be allowed to remain. At least some legal status should be given to them. When all these marriage laws are being made here, some sort of legal status should be given to those who prefer to remain where they are, either in Pakistan or in India. I think this is a most important point.

It is imperative that every woman who wishes to return home is given a chance to return. I believe those

women who are unwilling to come to their own homes, their own country, are kept in a special camp and are given a chance to meet their own relatives in order to make up their minds, and that if they are still unwilling, they are not brought home. I suppose this is the condition? This arrangement has been made after the decision of the tribunal. The woman is not moved across for another fifteen days. The Minister asked on the last occasion whether this time of fifteen days was enough or not? In my opinion, I do not think that we should let these women remain for fifteen days. It is much too long. I think a week should be sufficient, because, after all, the whole case has been decided by the tribunal, and so, why should they be left in these concentration camps, as it were, for fifteen days and be handled by all sorts of persons? I think we should reduce the period to one week. I think that should be enough.

Regarding the tribunal, I do not deny for a moment the necessity of having some kind of machinery for the recovery of women. But the tribunal consists of two Superintendents of Police, one from Pakistan and the other from India. I can never believe that such a tribunal can do justice. A tribunal for this purpose has to be constituted of people who have experience of dealing with human and psychological cases, cases that need sympathy. The police are the last persons who can do it well. It is, therefore, absolutely necessary that we must bring in a few women who have experience of this kind of social work. I believe there are women. We have just heard Shrimati Sucheta Kripalani saying that the women are not given a free hand and so they cannot do their work in an efficient way. There are many things that they have to go through and it is very difficult for them to act or do the proper thing. I for one think that we should have many more social workers attached to this tribunal and police superintendents alone should not constitute the tribunal. This is my considered opinion.

[Shrimati Sushama Sen]

While on principle no one can object to this Bill, we must seriously consider the removal of the anomalies to which I referred—the anomalies in the matter of separation of the children. As I have already said, I do not deny for a moment the necessity of having some kind of machinery for the recovery of abducted women and children. There is no doubt that the machinery has been very slow and the whole thing has to be very carefully reviewed, as a large number of cases still remain to be investigated and the report of the joint fact-finding commission which was constituted under the Indo-Pakistan Agreement of May, 1954, for the purpose of assessing the extent of outstanding work in India and Pakistan and to advise the two Governments of measures to be adopted for the speedy conclusion of recovery work, is still awaited. Therefore, there was no alternative but to the life of this Act. But I would earnestly request the Minister in charge to see that speedy recovery work is done and not feel content with this belated measure.

With these words, I support the measure.

Shri U. M. Trivedi: I feel that this Act as it stands today should not be extended for a day more, but it should terminate here and now. The hon. Minister in his opening address very honestly placed certain figures before us. It would have been much better if these figures had been supplied to us a little earlier. However, in what little time we could get to study these figures, we have studied them; but it does not lead one to think that this Act should continue. I do not know what happens to those who try to uphold the dignity of women when they want to apply their minds to this Abducted Persons (Recovery and Restoration) Act. They forget their chivalry; they forget that a woman is also a citizen of India. The fundamental rights are meant not only for men, but they are also meant for women and children. It has been said, that no woman was

to be sent out after May 1954 against her wish. But have we followed that principle of not sending out women out of our country?

Before proceeding further, I will give an illustration of a particular case to which the hon. Minister referred. I feel hesitant in speaking more about it, because the matter is *sub judice* before the Supreme Court and I was responsible for keeping that woman in India only by an order of the Supreme Court and not by the courtesy of the Government of India. The unfortunate position that we have to consider with reference to these ladies is this. Once a Muslim woman converts herself to Hinduism, she is what we call an apostate. Apostasy itself dissolves the marriage tie. Once the marriage tie is dissolved, she has, by no provision of international law, the same domicile as that of the husband. If she is a citizen of India, she remains a citizen of India and she has got a right to live where she is. This Act offends against this fundamental principle that if a person has got the choice of domicile, she cannot be forced out of our country to go into another country where she does not want to go.

Instances can be given where a woman divorced her husband long long before the partition of our country was dreamt of. Even in the year 1947 when this unfortunate incident took place in our country, the woman had borne already some children to the man to whom she was married. She was a Hindu; and yet, when the partition took place and when the divorced husband went away, out of spite, he made reports that he had got his wife living at such and such a place in the company of such and such people and she might be brought. The recovery organisation here runs after such people, catches hold of them, brings them before the Tribunal. The Tribunal gives a summary decision and the woman with her four or five children is spirited away to Pakistan. There she has to spend a good deal

of money to get back to her motherland. Through dishonest methods and through the help of the dishonest police of Pakistan, she comes back. What is her position under the international law? Is she still a citizen of India or is she a citizen of Pakistan? This Act does not come to her rescue and the only position that arises before the Government is this, namely, whether any Pakistan national, coming with a Pakistan passport who had been sent away by our recovery organisation can still remain in India. Further complications arise. Therefore, we have to decide whether this summary procedure which is provided for under this Act should continue to remain in force. Very often the Tribunal goes on deciding things which are not within its purview. It goes to the extent of deciding that the divorce which had been obtained by the woman against her husband is a fake one. Those who are familiar with Muslim law know that the difficulties of women are very great. It is the man who says "Taluk" three times and the woman is divorced. The man remains in the other country and he disowns his taluk, putting this woman in a false position. This tribunal which has absolutely no power to decide any civil right sits on this and decides this matter. It decides that the divorce did not take place and sends away the woman. Sometimes it goes further. In one case, a woman got herself converted under the Arya Samaj long before partition, and this Tribunal sat over it and said "your conversion is not valid." Who is this Tribunal to decide this? What authority has been vested in this Tribunal to decide this question in a summary manner? We have to look into it whether this Tribunal set up under this Act by this recovery organisation should continue to do this damage to the women of our country. We have to take into consideration the various aspects of the choice for a woman provided for in our Constitution. We do not obstruct anybody changing her religion. Is it because she is a woman that she is not allowed to change her religion? If she has changed her

religion, why should this recovery organisation which set up the Tribunal be allowed to go into the question whether such a change of religion is valid or not? It cannot; but it does because certain people who had sit upon it did not look at it from that angle.

I know and I acknowledge that the present hon. Minister for Works Housing and Supply, since he has come to be in charge of this work, has been very sympathetic, but that is not very helpful. Members sitting on my left and Members sitting on my right, as soon as this debate was opened, were surprised to see how it was that the hon. Minister for Works, Housing and Supply was entrusted with this work.

Shri Nand Lal Sharma: For the supply of women.

Shri U. M. Trivedi: I do not agree with that.

Shri Nand Lal Sharma: Supply of abducted women, I say.

Shri U. M. Trivedi: I have nothing to do with that point. I am lawfully sorry that such an unbecoming interruption should have taken place.

With great respect to the hon. Minister....

Mr. Deputy-Speaker: Did the hon. Member say, supply of women?

Shri Nand Lal Sharma: Supply of abducted women I said.

Mr. Deputy-Speaker: I am very sorry for the remark. It is very wrong. We are dealing with a serious matter. What is this humour?

Shri Nand Lal Sharma: If it is taken in a bad sense, I beg to withdraw. I am very sorry. I never meant any sarcasm.

Shri U. M. Trivedi: The point which I was making was this. We have got a new problem which has arisen on account of the Partition of our country, and that is the rehabilitation of the refugees. This problem is also a part and parcel of rehabilitation. One cannot understand why

[Shri U. M. Trivedi]

this should be handed over to the External Affairs Ministry and be not left in the hands of the Rehabilitation Ministry, to which Ministry people will naturally look for finding out their relatives and getting relief. People do not know that the hon. Minister for Works, Housing and Supply could be in charge of a department which is ordinarily put in the charge of the External Affairs Ministry and which is not in the charge of the Rehabilitation Ministry. If one has to look for a certain thing, one goes to a particular place where it could be likely to be found. There he finds that it is with another department. When he goes to that place, he is told that he has to go to still another department that is the Works Housing and Supply Ministry. Why is this rigmarole created with regard to the administration of this particular subject? With great regard to the hon. Minister, it is not he as an individual that counts. It is the duty which counts, it is the Ministry which counts, which should handle this subject. I submit therefore that there is great force in what Shrimati Sucheta Kripalani demanded that the administration of this organisation must not be left in the hands of the External Affairs Ministry, it should be left definitely in the hands of the Rehabilitation Ministry, where generally people who are affected, who are refugees or relatives of refugees must naturally go, where their other problems lie.

A point was made by the hon. Minister in his very able elucidation of this point that we allow a woman to have freedom to breathe and to think, and then, devoid of all other influences, she of her own accord may be left to decide whether or not she would go. That is a very nice point. But, the illustration which I gave to the hon. Minister shows—if he likes I can supply the papers to him—the character of the freedom that a woman could have got. She was sent away from here, kept for 15 days in a camp, and then spirited away to

Lahore. From Lahore, with all those surroundings and that atmosphere, all Muslims and not even a single Hindu, she managed to come back to this country, not willing to live with the person with whom she was sent. What further proof we can get of a women's desire not to go to that country, not wanting to stick to that country. Still they want to force a woman to go to that country. It is such hard cases which open our eyes to see that all is not right at the place which we call a tribunal, which decides in a free atmosphere. There is no free atmosphere there. It is a concentration camp and in that concentration camp women are forced to say what the person who supervises there wants them to say. My humble submission is this. I agree that there must be an organisation. We must not put a stop to the recovery work. I also say that no abducted woman of any community should feel that she is still kept under pressure. Let her go away, even if it be after 8 years. It should be our duty to find out such women and if they want to go, they must be allowed to go, they must be made to go. But, the organisation must be of a separate type. It must not be a recovery organisation. There must be a proper civil law. A proper enquiry must be there. The term abduction is so wildly used in this connection that it does harm to the word abduction itself. All concepts of abduction have disappeared from this definition. If there is an abduction, if there is a proper abduction coming within the provisions of the Indian Penal Code, we have got the Indian Penal Code to put into action. There is no abduction at all. If there is, I say you provide a machinery of that type so that women may be recovered not only today, not only tomorrow, but at any time, and if she wants to go, let her be sent. But, let not houses be broken, families be broken for the sake of satisfying the whim of certain people, for satisfying that they are doing work only for the sake of doing. Some people want to do work and if they have no work, they think it is enough to go up a bamboo and come down. That should

not be the idea behind providing them with work. It is not enough that we think in terms of doing something of an international obligation which we have entered into with Pakistan. Leave aside that question. When that question crops up, it is a matter for irritation, in this sense, that we know and history knows that if there was abduction of one woman in India—one Muslim woman—as compared to that, there has been abduction of at least 100 women from the Hindus. So, in that proportion of 1 to 100 recovery should have been there. It is not so. It is not that we should put it up in that light. We should always try to discharge our obligation which we have undertaken, not in terms of what Pakistan does. We should forget what Pakistan is doing. The moment we feel that we should retaliate and we should not send any women, it does not do credit to us, to our integrity and honesty. We should try to do what we want to do and not make it in relation to what they are doing. If we want to do it, let us do it in a proper legal manner. Let us not do it in the manner in which we are doing. The Fact Finding Commission, whosoever is doing that work, is working: God knows what. As the hon. Minister put it, we must repose great confidence in good workers. That also is a relative term. Who is a good worker? He may be a very pleasant person to talk to the Minister. But, he may be against the very idea of sending away women like this. Therefore, the question is not about good worker. I think right worker must be the proper word to be used for this. There must be the right sort of worker for this purpose. At the same time, the organisation must not be left in the hands of those persons with whom unfortunately it has been left. They may have done work. They say that so many were restored. I do not know how many hearts must have burnt, what pangs people suffered. I remember the case of a woman who was brought by the police in an illegal manner, actually abducted, when she was removed from Alwar. And notwithstanding the order of the High Court of Rajas-

than that she was not to be removed, the police force from Delhi was taken, 200 police surrounded the small town of that man and took away that woman and her grand-children and spirited her away to the camp at Julunder, and nobody knows even up to now where she has gone. We wonder under whose order the police acted and this actual abduction of the so-called abducted person took place. The abduction has been full and complete. It could only be possible on account of this some sort of hush hush policy which has been pursued under this Abducted Persons Recovery Act. Therefore I say that this Act shall not remain on the statute-book of India. It is a blemish on our capacity to administer. It should stop. We cannot allow this hush hush policy.

The hon. Minister said that we have got an organisation, we have got some method of appeal. What is that method of appeal? Might be that we do appeal to her good sense. That is a different thing. But, is the administrative machinery such that we can go in a regular appeal? Is an advocate provided for the lady? Is the advocate allowed to say something, allowed to put her case, allowed to lead evidence, or is anybody else allowed to lead evidence? It is a summary trial and two officers sit, and it has been our persistent policy always to oblige Pakistan where we can oblige. And this obsession is so much in our officers also that whenever they get an opportunity of obliging Pakistan in this way, they do. The Pakistani official who sits there is always obliged by our very blind officers. The net result is that our women are always sent away, agreed or not agreed, across the border. It is for this reason that I say, and I do submit that you will agree with me, that in this important measure we should see that not a single woman of India against her will is sent across the border, and for putting a stop to this, the only method is to stop this measure. If you still feel we have to do justice, then do

[Shri U. M. Trivedi]

it in some other way by providing a proper machinery so that the real abducted person is brought, the whole evidence is heard, everything is there on record, and then send her away openly, so that everybody may know that you have done justice.

Shri B. C. Das (Ganjam South): The present Bill reminds us of a very dark chapter in India's history, when the worst bestial passions overwhelmed men and men forgot the best traditions of civilisation. This Act came into being to meet the situation arising out of that abnormal tragedy. This Act shows that in spite of our tragic lapse, we do not for ever forget our traditions of civilisation and culture. That is why even in those difficult days when passions ran high we met the Pakistan Government, came to an understanding with them and tried to execute certain measures for recovery of abducted women. This is a humanitarian measure and it is a measure intended for an abnormal purpose, and it is a challenge to our self-respect, to our humanity, that we as human beings should also function, not as Hindus alone, not as Indians alone, but as men.

It is an irony, it is a cruel joke, that my friend Shri Trivedi invokes fundamental rights to prevent restoration of those abducted women, those battered souls, those human beings, those personalities who have been trampled under foot, who have been brutally treated by the brutes in those wild days of human massacre, in that communal frenzy. So, it is no use invoking fundamental rights. It is better to invoke one's best human passions. Let us think that we are men, that we are also human beings when we approach this question. Therefore, if I have any objection to the present Bill or if I give half-hearted support to this Bill, it is not because I am one with Shri Trivedi, because Shri Trivedi and we are poles apart. He does not think a Muslim is also a man. Perhaps he does not think a pucca Pakistani is a man. Therefore, he thinks...

Shri U. M. Trivedi: I do not know from where he gets this impression that I do not consider a Muslim to be a man. He must have read somewhere. He does not even know to which party I belong. I believe that a Muslim is also a man, and the hon. Member is also a man.

Shri B. C. Das: But the tenor of his speech indicates that. He was emphasising that there are hundred abductions in Pakistan to one in India. One should hang one's head in shame even when there is one abduction in India. We do not care what happens in Pakistan. They may go down, but we as human beings must be careful that no abduction takes place here. We should behave in a civilised fashion in this country. Shri Trivedi as a human being ought also to understand this.

Mr. Deputy-Speaker: Why should, with respect to abducted women, hon. Members fight among themselves?

Shri B. C. Das: Eight years have elapsed since the holocaust, since the great tragedy, and the Act came into being in 1948. Many things have happened since then. Circumstances have changed, and those victims of the communal frenzy, those abducted women who lived here in India or in Pakistan, in these eight years must have developed certain other ties, because with the passage of time they have also become mothers, they have got children and other ties have also developed. So, this Act should have been changed in the light of the experience of these eight years. Unfortunately, the Government every time comes only with a Bill to extend the period of the old Act. The whole Act is not placed before the House so that amendments could be suggested. It is not proper. It is very unfair that the Act is not placed before the House for the House to go through every clause and find out which clauses have become obsolete so that they could be changed.

Last year when this measure came before the House, there were serious

allegations against the administration of this Act. Charges were made about the bureaucratic approach, about coercion and doubts were expressed about the work as yet to be done. I am glad in 1954 May after that debate in this House, after the Bill was passed, there was an agreement between India and Pakistan. There, certain decisions have been taken. But it is one thing to have agreements on paper. Let us see how those agreements have been implemented. That has to be found out.

The Minister has admitted that the agreement took place in 1954 May, but the fact-finding commission came into being perhaps some time in March, 1955—ten or eleven months after the agreement. Why? Why such a long delay? You wanted a fact-finding commission to expedite matters, but to form a fact-finding commission it took ten months. It shows how sluggishly the mind of the Government works, how apathetic Government is. Government cares only for the form, not the substance. If the real spirit of the Government is to help the unfortunate victims of abduction, they could have been more energetic and more alert and the commission could have been immediately formed. It would not have taken ten months to form that commission, but unfortunately it took ten months.

Then, to find out the real desire of those hesitant women it was decided that special homes should be built, but India took more than a year to build the special homes. And so far Pakistan has not built special homes. Why did India take one year? And I would also ask why this Government kept quiet, or this machinery kept quiet, for such a long time and did not flood the Pakistan Government with reminders to expedite building of the special homes? Why this long delay? I would tell you this long delay is due to the machinery that has been set up, the old mentality that functions here. I understand that a special officer was appointed soon after the agreement—a pensioned officer drawing Rs. 700

as pension and an extra emolument of Rs. 1,000. We find that soon after his appointment he goes on leave. He is appointed for a specific social and humanitarian work which needs his immediate attention, but he goes on leave. That is so very unfortunate. If our officers function in this sluggish and bureaucratic way, then you cannot expect the work to proceed quickly and the results to come so soon.

2 P.M.

And what were the other provisions in the agreement? According to the agreement, the high-powered officers of both Pakistan and India had to meet at least once in two months. But I learn that during this period of one year and more, these officers have met only four times. Why is it that even the minimum number of meetings prescribed has not been observed? Why have these officers not met oftener than they did? Especially when the agreement was not being implemented, one should have expected, more meetings and it was but proper, that these high-powered officers should have met oftener than six or seven times, the minimum prescribed in the agreement. But unfortunately they met only for four times, far below the minimum prescribed.

Also, according to the agreement, the members of the tribunal were expected to meet the high-powered officers and discuss with them the difficulties that arose in their day to day dealings. But I do not know how many times the members of the tribunal met the high-powered officers. Perhaps they did not meet at all.

So, it happens that decisions are taken only on paper, but things are functioning in the same old way. This supplies handle to my hon. friends like Shri U. M. Trivedi, who are out to sabotage this humanitarian measure.

I am afraid that when this Bill becomes an Act, it will not yield substantial results, not because the Bill itself is bad, but because Government

[Shri B. C. Das]

has set up a machinery which is as bureaucratic, as wooden, as apathetic and as indifferent as any Government machinery. This is a humanitarian measure. And the work to be done under this Act is a humanitarian one. For that, special type of people are needed. We want officers and staff who can undertake the work, that the Act envisages, with great zeal. And who could be the special type of worker? Whom do we want for this special type of work? We want people with crusading zeal, people with a social outlook, people full of the milk of human kindness, and people with vision and sympathy. They alone can tackle this problem, and not those who are officers and who only think in legalistic terms or function in a bureaucratic way. These officers wait for months and months to get a reply from Pakistan. They cannot write to Pakistan and meet the officer concerned and get the work done by him; they stand on ceremony, and they want to adopt red-tapism in order to get things done. Such people cannot be entrusted with the extraordinary type of work that a measure of this nature requires. We want this Government to wake up. We do not blame Pakistan. Pakistan has not got a better form of Government than we. Their Government is more reactionary than ours. So, do not blame Pakistan. If you can move energetically, if you can be more alert, if you are more social-minded, and if you put into practice what you say, then I am sure Pakistan would also be moved. You set an example first, and your example will be followed by Pakistan. On the other hand, what is the position? You set up a fact-finding commission only after ten months, and you set up a home only after a year has passed. That shows how sluggish, nay, snail-like your progress is.

Sardar Swaran Singh: For the information of the hon. Member, I might say that both the Governments had to agree before either the home or the fact-finding commission could

start functioning. I am prepared to take my part of the blame. But it was something in which two Governments were concerned really.

Shri B. C. Das: My contention is that the other party may be very sluggish and indifferent, but it is our bounden duty to force the hands of the other party. For that, we require extra energy, more alertness, and more social-mindedness, qualities that are needed to discharge these responsibilities. We should not be so sluggish as to take ten months for setting up a fact-finding commission. Why could our high-powered officers not meet oftener than four times? Why did not the External Affairs Ministry put pressure on their counterparts in Pakistan to get things expedited? I feel that they should have done that. But they have not done it. That is the unfortunate thing.

I have no objection to the extension of the life of this Act. But what I object to is that the Government are so sluggish. They should become more alert, more social-minded, and more responsive to the criticisms of the House.

When we discussed this matter last year, it was suggested that ladies should be associated with the tribunal, and that the tribunal should not consist of police officers only. A crime-searching police officer may be good at tracing culprits, but he is not fit for understanding human psychology, and for satisfying those human needs which those battered personalities so badly require. If police officers preside over tribunals, what happens is that they view things from the narrow point of view of a policeman. They would be ever suspicious, and they would always hold a person guilty and try to convict the person who comes before them. That is to say, if the woman is desirous of remaining in India or in Pakistan, the judgment would be otherwise. More often, a police officer would give a wrong verdict, and he would not try

to understand human psychology. Why are Government so reluctant to associate ladies, who worked so magnificently in those hard days, with this tribunal? We have got many ladies with a social outlook, who are selfless...

Sardar Swaran Singh: I might inform the hon. Member that a lady social worker is already associated with the tribunal; and she is functioning.

Shri B. C. Das: I am thankful to the hon. Minister for this information. But the lady associate is an adviser only. She is not a member of the tribunal. I do not know what her functions are. Why should she not be a full-fledged member of the tribunal? Why should you make a police officer a member of the tribunal? Instead of police officers, we could have ladies. The policeman's function is only to trace culprits. Let Government develop social outlook in regard to this matter, and associate more of social workers. Also, let them appoint officers who can function energetically and with social-mindedness and missionary zeal.

With these words, I support the Bill.

श्रीमती शिवराजवती नेहरू (जिला ससनऊ-मध्य): यह जो बिल मंत्री महोदय ने पेश किया है, मैं समझती हूँ कि यह उचित ही है, मगर मैं चाहती हूँ कि इसकी अवधि एक साल से ज्यादा न बढ़ाई जाए और एक साल तक जो कार्य इसके अंतर्गत करना है उस को जारी रखा जाए। इस अवधि के बीतने के बाद मैं चाहती हूँ इस काम को समाप्त कर दिया जाए। इस अवधि में जो औरतें पाकिस्तान से भारत लाई जा सकती हैं उन को यहां लाया जाए और यहां से जो पाकिस्तान भेजी जा सकती हैं उन को वहां भेज दिया जाए। इस काम को करते हुए आठ वर्ष पूरे हो गये हैं, और आठ वर्ष एक युग होता है। इस तरह से एक युग बीत चुका है। जो

स्त्रियां वहां पर रह गई हैं मालायें बन गई हैं, बाल बच्चों वाली हो गई हैं, घर घराने वाली हो गई हैं और जो छोटी थीं वे अब युवतियां हो गई हैं। उन को अब वहां से पकड़ कर यहां लाना उनके ऊपर एक इन्सानियत के नाते कोई दया करना नहीं है बल्कि उन को एक मुसीबत में डालना है। ऐसा करना उन पर अन्याय करना होगा। हम नें सुना है बहुत सी स्त्रियां जो वहां से इधर आती हैं वे बेचारी खुद कहती हैं कि हम तो अपवित्र हो गई हैं, और हम खुद वापस आना नहीं चाहती थीं, और हमें अब हमारा भाग्य पर छोड़ दिया जाए। हम यह नहीं चाहतीं कि अब हम घर जाएं क्योंकि वहां जाने से न तो हम को सुख मिलेगा और न हमारे घरों में हमारे जो भाई हैं, या मां बाप हैं या हमारे जो पति हैं उन को ही सुख मिलेगा।

यहां यह कहा जाता है कि पाकिस्तान से तो यहां स्त्रियां कम आती हैं, परन्तु यहां से पाकिस्तान अधिक जाती हैं। उसका भी एक कारण है और वह कारण यह है कि हमारा समाज ऐसा है कि जो पाकिस्तान से स्त्रियां आती हैं, उनका बड़ा अपमान होता है और उनको अच्छी तरह से नहीं रखा जाता है। मुझे मालूम है कि मेरे एक फ्रेंड की बहिन एक बहुत अच्छे घर में ब्याही थी। उसका भाई हजारों रुपया खर्च कर के बड़ी मुश्किल से उसको पाकिस्तान से निकाल कर लाया। जब वह हिन्दुस्तान में आई, तो उसके पति ने बड़ी मुश्किल से समाज के दबाव के कारण उसको अपने घर में रखा। परन्तु उसने उस स्त्री को एक नौकरानी बना कर रखा—अपनी बीबी की हींसयत से नहीं रखा। उसको रोटी कपड़ा तो दिया, परन्तु दूसरा विवाह कर लिया।

इस किस्म की स्त्रियां पाकिस्तान से जो बच्चे ले कर आती हैं, उनकी भी कोई इज्जत या कद नहीं होती है, उनकी बुरी हालत होती है। बच्चों के लिए आम तौर पर यह कहा

[श्रीमती शिवराजवती नेहरू]

बाता है कि अपने दश के बच्चों का पालन-पोषण करना हमारा कर्तव्य है और उनके लाभ के लिए हम को सब काम करने चाहिए। परन्तु इन बच्चों के बारे में कहा जाता है कि उनके लिए चिल्ड्रन-होम बनाए जायें, क्योंकि वे लोग, जिनकी स्त्रियां उन बच्चों को पाकिस्तान से ले कर आती हैं, उन्हें अपने घर रखने के लिए तैयार नहीं हैं। आखिर उन स्त्रियों को घरों में क्या आराम और सुख मिलता होगा, जिनके बच्चे उनसे अलाहिदा कर दिए गए हों और जिनको घर में अपमान मिलता हो। मैं समझती हूँ कि उनको कोई सुख या आराम नहीं मिल सकता। इतने वर्ष बीत चुके हैं—आठ वर्ष बीत चुके हैं। इस बात को अब खत्म करना चाहिए और अब इसके लिए और ज्यादा समय नहीं देना चाहिए। बंशक अब भी जाँ स्त्रियां पाकिस्तान से आना चाहें, उनको जरूर यहाँ लाया जाय—यह हमारा फर्ज है, परन्तु इस के लिए अब सोशल वर्कर्स से काम लेना चाहिए। अब किसी कानून की अवधि बढ़ाने की आवश्यकता नहीं है।

इन चन्द शब्दों के साथ मैं इस बिल का समर्थन करती हूँ।

ٹھاکر لکھن سنگھ چارک (جموں و کشمیر) : جناب والا - جو بل کا مسودہ ابھی پیش کیا گیا ہے۔ میں اس کی تائید کرنے کے لئے کہوا ہوا ہوں۔ اور آپ کے ذریعے اپنے خیالات ممبران ہاؤس کے سامنے پیش کرنا چاہتا ہوں۔

آج ہندوستان کو آزاد ہوئے آٹھواں برس جا رہا ہے اور یہ سب ممبران کو اچھی طرح سے معلوم ہے کہ قریب قریب اسی لاکھ شہرنا رہتی پاکستان سے

ہندوستان میں آئے ہوئے ہیں۔ ان اسی لاکھ خاندانوں میں سے شاید ہی کوئی خوش قسمت خاندان ہوگا جو فطر سے یہ کہہ سکے کہ اس کا کوئی نزدیک رشتہ دار وہاں مارا نہیں گیا یا اسکی بہو بیٹی وہاں نہیں رہے تھی۔ لیکن اس عرصے میں کسی بھی پبلک باقی کی طرف سے یا گورنمنٹ کی طرف سے یہ اندازہ نہیں کیا گیا ہے کہ جو شہرنا رہتی پاکستان سے یہاں لے ہوئے ہیں۔ ان کی جو بہو بیٹیاں پاکستان میں رہ گئی ہیں انکی کل تعداد کتنی ہے۔ ہماری گورنمنٹ نے ایک ریکوری سیکشن بنایا ہوا ہے۔ میں سمجھتا ہوں کہ جہاں اس محکمہ کا یہ فوض ہے کہ ہندوستان میں جو ابتدائے عورتیں لوگوں نے اپنے پاس رکھی ہوئی ہیں۔ ان کو ان کے رشتہ داروں کے پاس پہنچا دیا جائے۔ وہاں اس پر یہ ذمہ داری بھی عائد ہوتی ہے کہ اگر وہ سو فیصدی صحیح اندازہ کر سکیں۔ لیکن کم از کم یہ تو بتائیں کہ ہندوستان کی قریب قریب کتنی لڑکیاں اور بہنیں اب بھی قیدی کی حیثیت سے پاکستان میں موجود ہیں۔ جناب والا۔ میں آپ کے ذریعہ ہاؤس کے سامنے یہ عرض کئے دیتا ہوں کہ ریاست جموں کشمیر کے ضلع میر پور اور ضلع مظفر آباد کی لڑکیاں پاکستان کے علاوہ دوسری جگہ بھی پہنچائی

[تھا، لکشمی سنگھ چارک]

آتی ہے کہ میری بہن یا بہو بھتیجہ
پاکستان میں رہ گئی ہے۔ وہ
شرنارتھی کی حیثیت سے ہندوستان
میں آیا اور گورنمنٹ کی طرف سے
کوئی مدد نہ کی جائے۔ میں تو یہ
کہنا چاہتا ہوں کہ جب تک ایک
بہو ہندوستانی عورت پاکستان میں
اپنی مرضی کے خلاف رہتی ہے
تب تک اس قانون کو جاری رکھنا
چاہیئے۔ اگر کوئی عورت نہ نا چاہے
تو بات دوسری ہے۔ وہاں تو مجبوری
ہے۔

اس کے علاوہ ایک قابل غور بات
یہ ہے کہ جہاں ہم نے بیس ہزار سے
زیادہ عورتیں یہاں سے بھیجی ہیں۔
وہاں پاکستان کی طرف سے صرف
۹۸۰۰ کے قریب عورتیں آئیں۔
جناب والا۔ میں یہ کہنا چاہتا ہوں
ہمارا محکمہ اس معاملے میں بہت
سست رہا ہے۔ ہمارے پاس سہی
اعداد شمار نہیں ہیں۔ مجھے اچھی
طرح معلوم ہے کہ آپ کے محکمہ کے
دیکارے مکمل نہیں تھے۔ اس لئے
ہمارے افسر سنہ ۱۹۵۳ء اور سنہ ۱۹۵۵ء
میں لاہور گئے اور وہاں اعداد شمار
اٹھائی کرتے رہے تاکہ معلوم ہو کہ کتنی
تعداد ہے ان عورتوں کی جو ہم نے
بھیجی ہیں۔ پاکستان نے دنیا
میں سب جگہ اس بات کا پراپیگنڈا
کیا۔ آپ فارین میگزین پڑھئے
جہاں جہاں پاکستان کے نمائندے

ہیں۔ کہا ہو۔ لین۔ اور میں اور
نہا دوسرے ملکوں میں۔ وہ یہ کہتے
ہیں کہ ہم نے آٹھ ہزار عورتیں
بھیجی ہیں اور ہندوستان نے بیس
ہزار۔ ہندوستان نے زیادہ عورتیں
ایبڈکٹ کی تھیں۔ سر ہفر الٹہ
Security Council میں کہا کرتے تھے
کہ ہندوستان نے زیادہ ظلم کیا ہے۔
اس نے زیادہ عورتیں اپنے گھروں میں
رکھی ہیں۔ وہ صحیح ہو رہا ہے۔
یہ ہے ہمارے ہومینٹیرین پروگرام کا
جواب۔ اور آپ اس پراپیگنڈا کا کیا
جواب دیتے ہیں؟ آپ کہتے ہیں
کہ ہم یہ ہومینٹیرین کام کا
سلسلہ جاری رکھیں گے اور اس طرح سے
ان کو دوست کر لیں گے۔ جناب والا۔
میں آپ کے ذریعے اس ہاؤس سے اور
مستتر صاحب سے ملنے ڈیپٹی سیکریٹری
کروٹکا کہ یہ بات عملی دنیا سے ذرا
دور کی بات ہے۔ خدای دنیا میں
شاہد یہ ممکن ہو۔ لیکن اگر ہمیں
دنیا میں زندہ رہنا ہے تو ہمیں ایک
دنہادار انسان کی طرح اپنا لہن دین
کرنا ہوگا۔

میں آپ کے سامنے جموں و کشمیر
کی مثال رکھنے جا رہا ہوں۔ وہاں
ہم نے کوشش کر کے ایک ایک افواشا
عورت کو جو کہ پاکستان، جانا چاہتی
تھی وہاں بھیج دیا۔ اور ان کے
رشتے داران کو واپس کر دیا۔ اس کے
ساتھ بے میں ہماری نصف سے زیادہ

عورتیں ابھی پاکستان میں ہیں اور پاکستان کا بورڈ کراس کر کے ان کو آگے بھیج دیا گیا ہے۔ ایسے حالات میں بیشک قانون بڑھائے۔ لیکن دس برس کے لئے رکھئے لیکن طریقہ کوئی اور اختیار کرنا پڑیگا۔ اگر میں یہ بات کہتا تو برا مانا جائیگا کہ ہم چار عورتیں اسے تو چار ہی ہیں۔ اس کو اخلاقی کمزوری۔۔۔ چھوٹا جائیگا۔ دیکھئے میں ضرور یہ بات بھنی لگے گی۔ لیکن عمل کی دنیا میں جہاں ہم کو ایسے سوداگروں سے واسطہ پڑا ہے جو انسان کو انسان نہیں بلکہ سودا کرنے کی کوئی چیز سمجھتے ہیں۔ ہم کو کوئی اور ہی طریقہ اختیار کرنا پڑیگا۔

ابھی مسٹر صاحب نے فرمایا ہے کہ جن عورتوں کو بھیجنا ہوتا ہے ان کو اس بات کا موقع دیا جاتا ہے کہ وہ فیصلہ کریں کہ وہ جتنا چاہتی ہیں یا نہیں۔ لیکن میں چاہتا ہوں کہ بچوں کے بارے میں بھی اس طرح کا فیصلہ کیا جائے۔ آپ یورپ کی قانڈرس کورس کی ہسٹری کو دیکھیں تو آپ کو معلوم ہوگا کہ جب ماں اور باپ الگ ہوتے ہیں تو عدالت بچوں کے معاملے میں اس بات کا موقع دیتی ہے کہ اگر وہ باپ کے ساتھ جانا چاہتے ہیں تو باپ کے ساتھ جائیں۔ اگر ماں کے ساتھ جانا چاہتے ہیں تو ماں کے ساتھ جائیں۔ اس

لئے جب گورنمنٹ اس معاملے پر غور کر رہی ہے تو اس بات پر بھی سوچے کہ بچوں کو اس بات کا فیصلہ کرنے کا موقع دیا جائے کہ اگر وہ باپ کے ساتھ رہنا چاہتے ہیں تو باپ کے ساتھ رہیں۔ ان کو زبردستی ماں کے ساتھ نہ بھیج دیا جائے۔

ایک بات میں اور عرض کرنا چاہتا ہوں کہ گورنمنٹ آف انڈیا کوئی ایسا پروگرام بڈارے جس سے یہ بھی پتہ لگ سکے کہ ہماری کتنی اغوا کی ہوئی عورتیں پاکستان میں ہیں۔ عام لوگوں کا اور بہت سی سوسائٹیوں کا یہ خیال ہے کہ ہماری قریب ۷۰ یا ۸۰ ہزار عورتیں پاکستان میں ہیں۔ اور ان کے مقابلے میں پرمب ۸۹۰۰ واپس آئی ہیں۔ قانون کے ذریعے ہم گورنمنٹ کو طاقت سے لیس کرتے ہیں۔ لیکن ساتھ ہی گورنمنٹ سے بھی یہہ اسہد رکھتے ہیں کہ وہ اس بات کی احتیاط رکھیں کہ اس قانون کو عمل میں لانے میں گورنمنٹ کے افسر لوگوں کو ہراساں نہ کریں۔ اور جو اس کے ساتھ سختی کا طریقہ چلتا ہے اس کو روکا جائے۔ چند دن ہوئے جب میں انٹر سیشن میں جسو گیا تو مجھے سے کچھ مسلمانوں نے یہ شکایت کی کہ سالہ ۴۷ میں جب گروہ ہوئی تھی۔ بہت سی عورتیں ایک فمیلی سے دوسری فمیلی میں چلی گئیں۔ کچھ کیسز میں

[تھاگو لکھمن سنگھ چارک]

کہا گیا تھا کہ طلق دے دی گئی ہے - مگر جو گورنمنٹ آف انڈیا کے افسر وہاں اس کام کے لئے دھتے ہیں انہوں نے بجائے ایسے معاملوں کو عدالت میں بھیجنے کے خود ہی فیصلہ کر دیا طلاق صحیح ہے یا نہیں - خود اپنی طاقت سے ان کو پکڑ کر اور مار پیٹ کر کے ادھر سے ادھر کر دیا - تو جہاں آپ ہاؤس کے سامنے آتے ہیں اور پوری پارر مانتے ہیں - وہاں آپ کے افسروں کو یہ بھی دیکھنا چاہئے کہ چھوٹے افسر جو کام کرتے ہیں - وہ لوگوں کو ہراساں نہ کریں - اگر یہ طریقہ جاری رہے گا تو یہ دقتیں پڑھتی ہی جائیں گی اور لوگوں کو امن چین نہیں مل سکے گا -

میں اس بل کی تائید کرتے ہوئے ہاؤس سے استعما کرونگا کہ اس بل کو پوری مدد دی جائے - ہمارے قانون دان دوست مسٹر ترویدی نے کہا ہے کہ قانون میں صورت کو حق حاصل ہے کہ اگر وہ نہ جانا چاہے تو نہ جائے - اس کے لئے تو مسٹر صاحب نے خود فرمایا ہے کہ جو عورتیں نہیں جانا چاہیں ان کو زبردستی نہیں بھیجا جاتا - اور اسی لئے ۲۰۰۰ میں سے قریب نصف یہاں رہ گئیں - لیکن اس قسم کا فیصلہ وہی عورت کر سکتی ہے جس کو کچھ دنوں آزادی کے

طریقے سے رکھا گیا ہو - ہم کو قانونی الجھلوں میں پھنس کر عورتوں کو یہاں رکھنے کی کوشش نہیں کرنی چاہئے - میں تو سمجھتا ہوں کہ یہ ہر ایک ہندوستانی کا اخلاقی فرض ہے کہ وہ اس معاملے میں گورنمنٹ سے کوآپریت کرے اور جو مسلمان عورت یہاں اپنی مرضی کے خلاف رکھی جا رہی ہو اس کو رکور کر کے گورنمنٹ کے حوالے کر دے -

[English translation of the above speech]

Th. Laxhman Singh Charak (Jammu and Kashmir): I have taken the floor to support this Bill on which I want to make a few comments.

It is the eighth year of India's freedom. The hon. Members of the House know that about eight million displaced persons from Pakistan have sought refuge in India. Among these eight million, there might be a few fortunates who have not lost a relative or whose wives or daughters have not been abducted in Pakistan and are still there. During these eight years no public body nor the Government have taken the trouble to estimate the number of abducted women still in Pakistan. There is a Recovery Section set up by the Government which, while it is charged with the responsibility of recovery and repatriation of abducted women in India, has also the responsibility of estimating, if not accurately, at least to a near figure, the number of Indian abducted women still in Pakistan. I may tell this House that girls abducted from the Districts of Mirpur and Muzaffarabad in Jammu and Kashmir State, have been taken to places other than Pakistan also. But nobody has worried about them and no efforts have been made to recover and repatriate them.

While we are proud that India is strongly determined on the basis of humanitarian principles to recover and repatriate all the abducted women still in India, we should also remember that it is derogatory to the self-respect of free India if its daughters are kept like prisoners in Pakistan, without our doing something about it. It is strange that we should talk about humanitarian principles and also act upon them without asking for reciprocal treatment. We are passing through very bad times, to wit the *Kaliyug*. It is all right to think as our ancestors used to in the Golden Age, i.e. the *Satyug*, but when a country or a Government enters the sphere of practical politics, it will have to take note of practical considerations. We shall have to realize the feelings of the families whose womenfolk are still in Pakistan. I was very much grieved to hear an hon. lady member from U. P. say that she did not want that these unfortunate women should come to India after November, because there was no place for them in the Hindu Society as they were considered to have fallen. If there is any shortcoming in our Hindu Society, is it not the moral duty of all the Members of this House—both men and women—to try to overcome this shortcoming? If these women are not accepted by their families, it is the duty of the Government to establish Homes for the care of such women and children. But to say that these poor women should continue to remain in Pakistan simply because there are some weaknesses in our society, is not a proof of our gallantry or manliness. Such a thing coming from a lady has grieved me very much. Perhaps she said this because she never came in contact with a refugee or because she is too far from the border. She cannot realize the resentment of a person who is reminded of the fact that his sister or daughter is still in Pakistan, and who is not accorded any help by the Government in this matter when he has come to this country as a displaced person. I will go so far

as to say that this law should remain in force till there is even one single woman left in Pakistan against her wishes. It is another matter if some woman does not like to come back:

Then, there is another aspect which needs consideration. Whereas we have recovered and sent to Pakistan more than 20,000 abducted women we have received only 9,800 from that country. I wish to point out that our Ministry has been very slack in this respect. Unfortunately we do not have complete facts and figures of such women. I know fully well that the records of our Ministry were not complete and so our officers went to Lahore and collected facts and figures of the women who have to be repatriated by us. Pakistan has started a propaganda campaign in this connection. Foreign magazines would tell us that wherever there are Pakistan representatives they have been saying that whereas Pakistan has repatriated only eight thousand abducted women India has sent back twenty thousand; and they have concluded thereby that more women were abducted in India than in Pakistan. Sir Mohammed Zafarulla used to say in the Security Council that more atrocities were committed in India and that more abducted women were in India than in Pakistan. So, this is the reply to our humanitarian programme. How do you counter this propaganda? You say that you would continue this humanitarian programme and would set matters right. Sir, I would respectfully urge through you, the House and the hon. Minister, that this is far from a practical approach to life. This might be possible in a land of dreams, but if we have to exist in the world we will have to be business-like and worldly.

I want to cite the example of Jammu and Kashmir where we sent back every woman who wanted to go back to her relatives in Pakistan. As against this more than half of our abducted women are still in Pakistan and they have been sent beyond the borders of Pakistan. Under these circumstances, do extend the life of

[*Th. Lakshman Singh Charak*]

this Act not for one year but for ten years. But we will have to adopt some other method for achieving our ends. If I say that we should repatriate abducted women from India in the same proportion in which we get our women from Pakistan it might be taken as a sign of moral weakness. It does look unseemly but in the practical world in which we find people who consider human beings as chattels, we will have to adopt some method other than the one we are following at the present time.

The hon. Minister has just now said that while sending women after their recovery their wishes about going to Pakistan are ascertained. I wish that children should also be given an opportunity to say whether they want to go to Pakistan. If you study the procedure of divorce courts in Europe, you will find that after a divorce is granted the children are given an opportunity to state whether they want to live with their father or mother. So, when the Government are considering this question they should also consider this aspect of the problem and give an opportunity to the children to stay with their fathers if they so like. They should not be forcibly sent along with their mothers.

I wish to point out that the Government should formulate a programme whereby the exact number of abducted women still in Pakistan can be ascertained. Many people and organisations are of the view that about 70 or 80 thousand abducted women are still in Pakistan whereas only 8,900 have been sent back to India. We, this House, clothe the Government with power under this law but we also expect them to see that the Government officials do not harass the people in the administration of this law. The harshness accompanying the administration of this law should be done away with. During the inter-session period I had an opportunity to go to Jammu where certain Muslims

complained to me that in certain cases of women who had gone to other families during the disturbances of 1947, it was claimed that they had been divorced and the recovery officials of the Government have, instead of taking such cases to the courts, themselves decided the question of whether they were actually divorced or not. They have forcibly removed women from one home to another. So, when the Government come to the House asking for full power their officers should see that the subordinate officials who are on the spot should not harass the people. If they continue as they have been doing until now our difficulties will go on increasing and the people will not get a moment's peace.

While declaring myself in favour of this Bill I would request the House to give it their full support. Our legal expert, Shri Trivedi, has stated that under the law a woman is fully competent to exercise her choice in the matter of going. She may not go if she does not want to. The hon. Minister has himself stated that women are not sent against their wishes and that is the reason why about half of the two thousand women are still here. Only a woman who has been given full freedom can take a decision of this nature. We should not lose our way in the legal maze and should not try to keep women in India. It is the moral duty of every citizen of India to co-operate with the Government in this respect and to recover and hand over to Government every Muslim women who is being kept against her wishes.

श्रीमती सुभद्रा जोशी (करनाल): मैं तो खास इस चीज के लिए आपसे इजाजत चाहती हूँ कि जो अर्मेडमेंट सरदार इकबाल सिंह ने पेश किया है उसकी ताईद करूँ। सुचेता बहिन ने भी कुछ इस अर्मेडमेंट की तरफ इशारा किया है। यह सचमुच बहुत मुश्किल हो जाता है जो दो दो महीने और छः छः महीने का बार बार एक्सटेंशन दिया जाता है। यह सच है कि इससे रिकवरी के काम में बहुत

मुश्किल पेश आती हैं। यह तो एक मामूली साइकलाजीकल बात है कि ऐसी हालत में जो काम करने वाले हैं वह नहीं जान सकते कि उनको कितना काम करना है और उसका कितनी मेहनत से करें। और यह बात भी सच है कि एबडक्टर्स भी इस से फायदा उठाते हैं। वे सोचते हैं कि शायद इसके बाद यह कानून आगे एक्सटेंड न किया जाये। इस लिए वे उत्तर्न अर्से के लिए किसी तरह से उस औरत को इधर उधर कर देते हैं।

बार बार जब यह कानून हाउस में आता है तो हमको कई आनरैबल सदस्यों की स्पीचें से ऐसा मालूम होता है कि एबडक्टर्स को हॉसला मिलता है। कुछ स्पीचें से तो ऐसा मालूम होता है कि वे सदस्य रिकवरी में कम इंटरस्टेड हैं और एबडक्शन में ज्यादा इंटरस्टेड हैं।

श्री बी० जी० ईशपांड (गुना) : ऐसा क्या लगता है ?

श्रीमती सुभद्रा जोशी : स्पीचें से ऐसा मालूम होता है। बार बार हाउस के सामने एक नया तरीका लाया जाता है। इससे पहले जब एक बार यह कानून हाउस के सामने आया था तो कुछ मेम्बरों ने कहा था कि रिकवरी न हो। इस बार ऐसा नहीं कहा है। पर एक नया तरीका अख्तियार किया गया है। यह तो नहीं कहा जाता कि रिकवरी न करो पर अड़चनें पेश की जाती हैं और बहानेबाजी की जाती है। आज यहां एक नई बात पेश की जा रही है कि यह काम किसी एक मिनिस्टर के अंडर हो। मैं घंट भर से इस बात को सुन रही हूं। समझ में नहीं आता कि इस के पीछे क्या राज छिपा हुआ है। लेकिन मैं समझती हूं कि कुछ राज जरूर इसके पीछे छिपा है। मैं देखती हूं कि यहां तरह तरह की बातें पेश की जा रही हैं। कहा जा रहा है कि अगर औरतों को भेज दिया जायेगा तो बच्चों की परवरिश कैसे होगी। कहा जाता है कि इन आठ सालों में उनके बच्चे

हो गये हैं और अगर उनको भेजा जायेगा तो फौमिलीज डिसेरट हो जायेगी। इसलिए उन औरतों को जबरदस्ती वहां रखा जाय। अगर हुकूमत कोई ऐसा कानून बनाये कि बच्चों की परवरिश के लिए माताओं की सर्विसेज को रिक्वीजिशन कर लिया जाये तो मुझे एतराज नहीं। लेकिन मैं यह मानने के लिए तैयार नहीं कि चूंकि एक खास जगह पर बच्चों की परवरिश होनी है इसलिए उन औरतों को उनकी मर्जी के खिलाफ वहां पर रखा जाये। यह कोई बहुत इन्साफ की बात नहीं मालूम होती।

एक और बात यहां कही गयी है। कहा गया है कि कुछ बहिनो ने अपना मजहब बदल लिया है। इसलिए उनको नहीं हटाया जा सकता। हमने देखा है कि समाज ने कई दफा ऐसे कायदे बनाये हैं कि जिनके मुताबिक गलत गलत कामों पर धर्म की छाप लगा दी गई है और उनको ठीक मान लिया गया है। ऐसा इसलिए किया जाता है ताकि दूसरे लोगों को उस काम में सहानुभूति हो जाये। लेकिन आज हम काफी जागृत हो गये हैं। एक जमाना था कि एक खास तरह की शादी होती थी जिसको राज्स विवाह कहते हैं। कोई आदमी किसी औरत को जबरदस्ती उठा ले जाता था और उसको शादी समझ लिया जाता था। अगर आज किसी औरत को उसकी मर्जी के खिलाफ एबडक्ट कर लिया जाय तो उसको हम इस तरह से नहीं देख सकते चाहे कोई उस पर धर्म की छाप भले ही लगा दे। हम यह नहीं मान सकते कि अगर किसी ने धर्म बदल लिया तो वह किसी दूसरी दुनिया में आ गयी। उसके साथ हमको कोई दूसरा सत्क करना चाहिए, या इस बजह से उसकी हैसियत में कोई फर्क हो गया।

और भी कई बातें कही गयी हैं। यह भी कहा गया है कि कुछ गलत फेसिबल में रिकवरी कर ली गयी और गलती से औरतों को इधर से उधर भेज दिया गया। इसका

[श्रीमती सुमित्रा बोशी]

बहुत प्रचार किया जाता है। मिनिस्टर साहब ने बताया है कि फिंगर्स में कुछ गलती इस वजह से हो गयी है कि एक औरत के बारे में उसके रिश्तेदारों ने चार चार जगह रिपोर्ट लिखा दी है। इसी तरह जो गलत रिकवरी हो जाती है उसको भी सरकुलेट किया जाता है और उसको ५० गुना तक बढ़ा दिया जाता है। क्योंकि जो औरत एबडक्ट हुई है उस के रिश्तेदार तो ज्यादा से ज्यादा चार जगह रिपोर्ट लिखाते हैं, लेकिन जो गलत रिकवरी हो जाती है उसको तो बहुत ज्यादा सरकुलेट किया जाता है। जो लोग एबडक्टर्स से सम्बंधी रखते हैं या जो उनमें दिलचस्पी रखते हैं वे और पॉलीटिकल पार्टियां सब मिल कर इसका प्रचार करते हैं और ऐसा मालूम होता है कि गलत ही गलत रिकवरी हो रही है, यानी कोई ठीक रिकवरी हो ही नहीं रही है। लेकिन मैं हाउस से प्रार्थना करूंगी कि वह इन बातों के फेर में न पड़ जायें। हो सकता है जैसा कि मिनिस्टर साहब ने कहा, कि कोई गलत काम हो गया हो। एक माननीय सदस्य ने आर्डिनरी ला का भी जिक्र किया। लेकिन इससे कोई इन्कार नहीं कर सकता कि इस कानून की वजह से आज हजारों बच्चों अपनी माताओं के पास पहुँच चुकी हैं और हमारी छाती से लग चुकी हैं। हम चाहें तो कह सकते हैं कि हमारे रिकवरी के मुहकमे ने अच्छा काम नहीं किया, यह नहीं किया वह नहीं किया। पर क्या किसी की हिम्मत थी उन दिनों में कि इस सवाल को उठाता ?

अब जरा आठ साल पहले की हालत देखें जो कि हमारे यहां थी। मुझे मालूम है कि जो आर्डिनरी कानून था उसके मुताबिक कोई भी काम हो सकता था। आर्डिनरी ला के बारे में मैं आपको बताऊँ कि मुझे मालूम हुआ कि एक थाने में कोई थानेदार साहब कोई ८, १० या १५ बहनों को और साथ में उनके जो एबडक्टर्स थे, उनको भी पकड़ लाये और सब

को बंद कर दिया और कहने लगे कि इनके जो पति थे, उनकी रिपोर्टों पर इन सब की गिरफ्तारी हुई है और यह सब के सब जेल जायेंगे। यह औरतें भी जेल जायेंगी और इनके जो एबडक्टर्स हैं, वे आदमी भी सब जेल जायेंगे। जेल जाकर उन बहनों ने सोचा कि हमबैहस की रिपोर्टों पर तो हमको पकड़ कर जेल में बंद कर दिया गया है, तो उन्होंने ऐसा कहा कि भाई हमको तो वहीं पर फिर से वापिस पहुँचा दो और सब बहनों का बयान लेकर दारोगा साहब उनको वापिस पहुँचा आये। हमको कहा गया कि यह तो आर्डिनरी ला है, यह इसी तरह से चलता है। आर्डिनरी ला का हमें खूब तजुर्बा है और हम जानते हैं कि इस तरह का काम करने के लिए हमें कितनी दिक्कत और परेशानी उठानी पड़ती है। मजिस्ट्रेट साहब के पास जाकर कैसे रिपोर्ट करते हैं और मजिस्ट्रेट साहब को लड़की का नाम, छुलिया, पता और न मालूम क्या क्या इतिहास देनी पड़ती है और यह मजिस्ट्रेट साहब की मरजी पर है कि वह कितने दिन में उसके लिए वारंट जारी करें और कौन और कैसे लड़की निकाली जायेंगी और क्या क्या इन्क्वायरी होगी। तो यह सब आर्डिनरी ला की बातें हैं। लेकिन जिन हालात में यह सब काम किये गये और यह हादसे पैदा आये, हमारे मुक्त में और पाकिस्तान में, वह ऐसे एक्सट्राआर्डिनरी हालात थे जिन को कि हम आर्डिनरी ला से इतना कुछ हल कर सकते थे, इसमें मुझे शक है। मैं समझती हूँ कि आर्डिनरी ला से हम उनको टॉकिल नहीं कर सकते थे और मैं कई दफा सोचती हूँ कि अगर वहीं यह सब काम रिकवरी का करने के लिए कोई आर्डिनरी मुहकमा होता और आर्डिनरी तरीके से यह रिकवरी का काम हुआ होता तो कितनी लड़कियां अब तक रिकवर हो पातीं और रिकवर होने के बाद उनका क्या हथ होना, कितनी लड़कियां अपने घरों में जातीं और कितनी लड़कियां एबडक्टर्स के पास जातीं और कितनी

लड़कियों का पता ही नहीं लगता कि वह कहाँ गईं और न मालूम किस की बीबी कहाँ पहुँच पहुँच जाती और किस की बीबी कहाँ पहुँच जाती, यह कहा नहीं जा सकता। दरअसल एक बड़ी मुश्किल हमारे सामने पेश आ जाती। तो इस आर्गेनाइजेशन का काम दखतें हुए और यह दखतें हुए कि कई हजार लड़कियाँ इसके द्वारा रिकवर होकर अपने अपने घरों में वापिस पहुँची हैं, मैं इस संस्था को बगैर बधाई दिये नहीं रह सकती। यह सचमुच में उस आर्गेनाइजेशन में जो वर्क्स हैं, उनके लिए यह बड़ा भारी ट्रिब्यूट है, अब यह जो कहा जाता है कि उस जमात में गुड शाशल वर्क्स और राइट सार्ट आफ वर्क्स की कमी है। मैं तो कहूँगी कि यह कामयाबी उनके लिए एक बहुत बड़ा ट्रिब्यूट है और मैं हाउस के सामने उनको वह ट्रिब्यूट पेश करना चाहती हूँ और मैं समझती हूँ कि इतनी हजार लड़कियों को एंबेडक्टेड के पास से निकाल कर उनको उनके घरों में वापिस पहुँचाना कोई मामूली बात नहीं है। इस लिए मैं समझती हूँ कि आज उस संस्था और उसके काम करने वालों के बारे में नुकताचीनी करना हमको कुछ ज्यादा ज़ेबा नहीं मालूम देता। असलता हम यह कहें कि उनको रिकवरी का काम और ज्यादा तेजी से करना चाहिए और इस बात को मैं भी महसूस करती हूँ कि पाकिस्तान पर जितना सम्भव हो मारल प्रेशर या और कोई किसम का प्रेशर डाला जायें जिससे कि वह अपने वहाँ रिकवरी का काम तेजी से करें और कोई बजह नहीं है कि वहाँ पर पाकिस्तान में रिकवरी का काम तेजी से न हो। मुझ को याद है कि एक दफा वहाँ से रिकवरी का एक मिसन आया था और उसने वहाँ पर हमसे कहा था कि आपके देश में बहुत सी एंबेडक्टेड लड़कियाँ मौजूद हैं, उनको रिकवर करो। मैं आपसे सच कहती हूँ कि हमारे तो सिर उनकी इस बात को सुन कर शर्म से झुक गये और हमने उनसे कहा कि आप जब वहाँ पर आकर हमसे कहते हैं कि इस मुल्क में कोई आपकी बहन, कोई

लड़की या किसी की बीबी साईं हुई हैं तो हम बहुत शर्म महसूस करते हैं, साथ ही हमने उनसे जवाब दिया कि इसी तरह आपको भी महसूस करना चाहिए। यह स्थिति किसी भी मुल्क के लिए गर्व का विषय नहीं हो सकती। आप भी अपने वहाँ से ऐसी लड़कियों को निकालें और हम भी अपने मुल्क से ऐसी लड़कियों को निकालेंगे। एक चोरी की हुई स्त्री, एक छिनी हुई बहन या किसी की पत्नी को अपने घर में रखना सिर्फ उसी के लिए खराब नहीं है, बल्कि वह हमारे लिए भी खराब है और हमारे खानदान के लिए भी खराब है और आगे आने वाली पीढ़ी के लिए भी खराब है और मैं नहीं समझ सकती कि कोई भी खानदान इसमें गर्व महसूस करेगा कि उसकी जाने वाली संतान यह कहे कि हमारे वहाँ फलाँ औरतें जो थी, उसको मेरा भाई छोरी करके लाया था, या मेरा चाचा या दादा उठा कर ले आया था।

इसके अलावा मैं समझती हूँ कि आज जो अक्सर बहनों से कहा जाता है कि अब इस काम को बन्द किया जायें, अब तो इसके चलते ६ वर्ष हो गये और अब इसकी ज़रूरत नहीं रह गयी है, मुझ को ऐसा सुन कर बहुत रंज होता है। ज़रूरत इस बात की है कि इस काम को और तेजी से चलाया जायें और मैं तो आनरबुल मिनिस्टर से यह भी कहूँगी कि हम लोगों को और दूसरे और लोगों को भी जो इस काम में दिलचस्पी लेते हैं, उनको मौका दें कि वह अपने सुभाव पेश कर सकें कि किस तरीके से ज्यादा रिकवरी हो सकती है, किस तरह से वहाँ भी रिकवरी का काम चलाया जा सकता है और वहाँ पाकिस्तान में भी चलाया जा सकता है।

एक बात मैं और उपाध्यक्ष महोदय कहना चाहती हूँ। हमारे चन्द एक आनरबुल मंत्री उन मुसलमान औरतों के साथ जो वहाँ से रिकवर करके वापिस वहाँ भेजी जाती हैं, उनके साथ बड़ी हमदर्दी दिखलाते हैं लेकिन जो

[श्रीमती सुभद्रा जोशी]

मुसलमान नागरिक हमारे देश में बसते हैं और जो मुसलमान बहनें यहां अपने मुसलमान शहरों के पास रहती हैं, उनके साथ हमारे इन आनरबुल मेम्बरों की हमदर्दी कम मालूम होती है और आये दिन बाजारों में मीटिंग्स की जाती हैं और उनके खिलाफ कार्यवाही करने की मांग की जाती है और कहा जाता है कि उनको इस मुल्क से निकाल दिया जाये और यहां पर उनको रहने न दिया जाये। जब मैं देखती हूं कि यह लोग इनके साथ तो हमदर्दी नहीं दिखाते लेकिन उन लावारिस बहनों के साथ बड़ी हमदर्दी दिखाते हैं तो मुझे बड़ा ताज्जुब मालूम होता है। इस लिए मैं अपने आनरबुल मिनिस्टर से प्रार्थना करूंगी कि वह सरदार इक्बाल सिंह के अमेन्डमेंट को स्वीकार कर लें और इस काम को दो तीन महीने के लिए नहीं बल्कि एक साल के लिए इसको एक्सटेंड कर दें और इस विषय पर स्टडी करें और इस सवाल को हल करें। मैं देखती हूं कि जब कभी इस तरह का बिल हमारे सामने आता है तो यह सवाल उठाया जाता है कि रिकवरी होनी चाहिए या नहीं होनी चाहिए, यह चीज हर बार सामने आती है, मानो कोई हम बहुत बड़ा अहसान करते हैं जो उनको रिकवर करके लाते हैं और बाद में उनको उनके घरों में वापिस भेजते हैं। मुझे इस बात से खुशी नहीं होती, बड़ा अफसोस होता है कि जब बार बार यह सवाल उठाया जाता है कि अब इस काम को आगे जारी रखा जाये या बन्द कर दिया जाये, या इस काम को चलते जब ६ वर्ष हो गये या ८ वर्ष हो गये और अब रिकवरी क्यों की जा रही है। मेरी समझ में तो यह बात स्पष्ट है कि यह रिकवरी का काम तब तक चलता रहेगा जब तक एक भी लड़की इस मुल्क में या उधर पाकिस्तान में एबडक्टड बच रहती है। औरत कोई जमीन और जायदाद तो है नहीं कि जिसके कब्जे में है, उसी के कब्जे में वह बनी रहे।

अभी हाल में उपाध्यक्ष महोदय, इस संसद ने एक महत्वपूर्ण कानून पास किया है कि अगर खास हालात में विवाहिता पत्नी भी अपने पति से अलग होना चाहे और उससे सम्बन्ध विच्छेद करना चाहे तो कानून ने उसको भी मृत्यु प्रदान की है तो फिर उन एबडक्टड औरतों के बारे में जिनका कि कोई सोशल स्टैंडर्स नहीं हैं, जो कि चोरी से ले जाई गई हैं, जो कि परेशान हैं और जिन्होंने कि कभी वहां पर डब्बत की जिन्दगी नहीं हासिल करना है, उनके लिए हम हर साल कहें कि अब तो इतने साल इस काम को करते हो गये, अब तो यह काम बंद किया जाना चाहिए और उन को एबडक्टड के पास रहते इतने साल हो गये, इसलिए अब उनको वहीं पर रह जाना चाहिए, यह चीजें हमारे लिए कोई गौरव की बात नहीं हैं। इसलिए मैं तो आनरबुल मिनिस्टर और हाउस से प्रार्थना करूंगी कि वह इस कानून को लम्बा एक्सटेंशन देकर इस सवाल को स्टडी करें और जिन भाइयों को इस काम के तरीके पर एतराज हों, उनको मौका दें कि वह अन्य तरीके हमको सुझा सकें ताकि दोनों मुल्कों में यह रिकवरी का काम जल्दी पूरा हो क्योंकि ज़ाहिर है कि जो बहनें आज इस तरह की जिन्दगी बसर कर रही हैं, वह बहुत परेशानी और शर्मिन्दगी की जिन्दगी बिता रही हैं और यहां पर बहुत से कैंसेज का जिक्र किया गया। एक कैंस में भी जानती हूं कि पाकिस्तान में एक गांव में एक हिन्दू एबडक्टड लड़की को रिकवर किया गया तो पास के गांव में जो एक दूसरी हिन्दू एबडक्टड लड़की फंसी हुई थी उसने अपने छुटकारे के लिए स्वतःकृत्यावत की कि मुझे को भी निकाला जाये लेकिन वह रंसक्वू स्टाफ वहां नहीं पहुंच सका और इसका नतीजा यह हुआ कि उस लड़की ने आत्महत्या कर ली। उसने अपने दिल में सोचा कि जब यहां दरवाजे तक आकर भी मुझे नहीं निकाला तो अब क्या निकालेंगे और निराश होकर उसने अपनी जान दे दी और मैं समझती हूं कि इससे हमारी

उन परेशान बहनों को जो इधर या उधर जबर्दस्ती फंसी हुई हैं, बड़ी निराशा होती होगी और इस चीज का उन पर बुरा असर पड़ता होगा। इसीलिए जरूरत इस बात की है कि हमको ऐसा तरीका अख्तियार करना चाहिए जिससे यह रिकवरी का काम जल्दी हो।

मैं आनंदबुल मिनिस्टर को इसके लिए बधाई देती हूँ जो उन्होंने यह कहा कि बच्चे कहाँ रहने चाहियें, यह उनकी माँ की मरजी पर छोड़ देना चाहिए, मैं भी समझती हूँ कि जो हालात हैं उनमें माँ के अलावा कोई दूसरा इस चीज का फैसला नहीं कर सकता कि उसके बच्चों की अच्छी बिन्दगी कहाँ रहने पर बन सकती है और इसको बच्चों की माँ पर ही छोड़ देना चाहिए।

इसके साथ ही साथ मैं उस अमेंडमेंट की भी तार्जिह करती हूँ।

श्री नन्धू लाल शर्मा :

नमः परमहंसास्वादि त चरणकमल चिन्मकरन्दाय भवत जन मानसनिवासाय श्री रामचन्द्राय ॥

माननीय उपाध्यक्ष महोदय, अपहृत व्यक्तियों की प्राप्ति और परावर्तन के सम्बन्ध का यह विधेयक प्रधानतया दो प्रकार की भावनाओं से पूर्ण है। एक है चरित्र की भावना, मारल स्टैन्ड, और दूसरी है राष्ट्रीय भावना अर्थात् नेशनल स्टैन्ड। चरित्र के दृष्टिकोण से हम इस बात को अच्छी तरह समझते हैं कि भारतीय संस्कृति का यह मूल सिद्धान्त है कि परस्त्री को माता की दृष्टि से देखा जाय। कभी भी किसी की बहन बहू या बेटे के ऊपर बुरी दृष्टि रखना, यह भारतीय संस्कृति का कभी ध्यान नहीं रहा और आप लोगों ने अपने इतिहास में भी अच्छी तरह से सुन लिया होगा कि रावण भी जिस समय राम की प्रतिमूर्ति बन कर सीता के पास जाता था तो वह कहता था कि मुझे विश्व की स्त्रियाँ माता दिखाने वाली हैं।

इस के साथ साथ राष्ट्रीय दृष्टिकोण भी यह कहता है कि हम को अपने घर में किसी प्रकार के अत्याचार, अनाचार, दुस्वचार या अविचार की किसी प्रकार आज्ञा नहीं देनी चाहिये। यह बात सोलह आने सत्य है। परन्तु जहाँ हम यह देखते हैं कि राम की सेना में आई हुई सुलोचना पर कोई बुरी आँख उठा कर नहीं देख सका वहाँ राम की सारी पल्टन में एक भी बन्दर ऐसा नहीं जो जब तक सोने की लंका की इंट से इंट न बजा दे तब तक एक भी सीता को वहाँ छोड़ने के लिये तैयार हो।

आज जो महानुभाव इस विधेयक की तीव्र बढ़ाने का विरोध कर रहे हैं उन का दृष्टिकोण केवल इतना है कि उन को अपनी इस सरकार से इस समय यह भय लग रहा है, उनको यह विश्वास नहीं पड़ रहा है कि वह पाकिस्तान में पड़ी हुई दीवियों को प्राप्त कर के किसी प्रकार से भारत में पहुँचा सकती हैं। कारण यह है कि आज के अभिभाषण से मुझे बड़ी निराशा हुई। आज हमारे माननीय मंत्री महोदय ने कहा कि चार, पाँच हजार दीवियाँ दोनों ही दिशाओं में पड़ी रह गई, और दो डायें हजार के लगभग पाकिस्तान में हैं।

Sardar Swaran Singh: I did not say that, even with regard to cases which have been investigated all the recoveries have not taken place.

Shri Nand Lal Sharma: I am talking of the cases which are yet to be investigated.

Shri N. C. Chatterjee: May I have an idea as to how many persons are concerned in this?

Sardar Swaran Singh: That can be anybody's guess. But it can be given only after the report of the Fact Finding Committee is out.

श्री नन्धू लाल शर्मा : मैं धन्यवाद करता हूँ कि इस बात को स्पष्ट कर दिया गया। अभी हमारी सरकार को इस बात का निश्चय नहीं

[श्री नन्द लाल शर्मा]

हैं कि कितनी हमारी दीवियां अभी पाकिस्तानी बुर्के में पड़ी हुई गोमांस पकाती हैं और खून के आंसू रोती हैं। अभी हम को इस का भी पता नहीं है कि उन को निकाल कर प्राप्त करने की क्षमता हमारा वश की है या नहीं।

हम एक चीज देखते हैं। स्टेटमेंट आफ आब्जर्वेटर्स एंड रीजन्स में आप ने कहा है कि इंडो-पाकिस्तान एंग्रीमेंट, नवम्बर, १९४८ के प्लसरूप यह एबडक्टड पर्सन्स रिकवरी एंड रस्टोरेशन एक्ट १९४९ में स्वीकृत हुआ। मैं पूछना चाहता हूँ कि आप के दिल्ली एंग्रीमेंट के अनुसार कौन कौन सी बातें पाकिस्तान ने पूर्ण कीं? अभी मेरे पास मिनिस्ट्री आफ रिहैबिलिटेशन का पत्र पड़ रहा है। यह भी आप के इंडो-पाकिस्तान एंग्रीमेंट में था कि पूर्वी पाकिस्तान के अन्दर शरणार्थियों की रक्षा करेंगे, वहाँ के अल्पसंख्यकों की रक्षा करेंगे। लेकिन आज यह शब्द मेरे पास आते हैं:

"The rate of influx which was below 10,000 persons per month during last year has increased to over 20,000 per month since January 1955. The Government of India have viewed with great concern this ever-increasing migration from East Pakistan."

यह आज की कथा है जो कि उस पत्र में दी हुई है जो कि आज मेरे पास पड़ रहा है। हम बड़े अचम्भे में आते हैं कि आप के इंडो-पाकिस्तान एंग्रीमेंट की क्या दुर्दशा दूसरे दिश वाले कर रहे हैं और एक आप हैं कि केवल एक प्रोटैस्ट के सिवाय कुछ नहीं कर सकते हैं, आप इतने निराश्रित हैं। यह बड़ा खेद की बात है कि एक सावर्जन गवर्नमेंट जो अपने को पूर्ण शक्तिशाली मानती हो उस के नागरिकों की दाढ़ी मूँह मूँह कर उसी के मुँह में डाल दी जाये और वह दिया जाये कि यह फ्रांस नहीं है, यह गोवा है। आप इस

तरह से सत्चागृहियों को भेज कर हम से गोवा नहीं खाली करवा सकते, और हम इस के उत्तर में यह कहते रहें कि हम ता महात्मा बुद्ध के पुजारी हैं, हम अशोक स्तम्भ की पूजा करते हैं, हम अहिंसात्मक रूप से अपना काम करते रहेंगे। जीवन लेना हमारा कार्य नहीं। मैं निवेदन करता हूँ, और यह शब्द मैं एक बार नहीं दस बार कह चुका हूँ कि हमारा प्राइम मिनिस्टर ने पहले ही पूर्वी पाकिस्तान के लिये यह शब्द कहे थे कि हम थोड़े से लोगों के लिये सारा भारत की स्वतंत्रता को खतरा में नहीं छोड़ सकते। मैं कहता हूँ कि इस सत्थ को जीने का अधिकार नहीं है जिस का एक भी व्यक्ति शब्द के कब्जे में हो और जिस को छोड़ने की हिम्मत वह न रखता हो। अंग्रेजों की एक लड़की मिस एलिस अफरीदियों के कब्जे में आई थी, मुझे याद है, अंग्रेजों ने समूचे देश को तोषा और हवाई जहाजों से बम वर्षा कर उड़ा दिया था। सारा देश को साफ कर के एक लड़की को छोड़ा कर लाये थे।

हमारा यह अनुमान है कि २०, २५ हजार के बीच में हमारी बहनें और बड़े बेटों का पाकिस्तान में कैद में पड़ी है, और आप की हिम्मत नहीं है कि आप उन से कुछ कह सकें। वह आप के सामने यह कह रहे हैं कि हमारे पास तो कुल दो, ढाई हजार फेंसिंग बाकी है। इस लिये मैं निवेदन करता हूँ कि मैं अपने कम्प्यूनिस्ट मित्र के उन शब्दों का समर्थन करता हूँ। वह कहते हैं कि यदि आप एक्स्टेंशन चाहते हैं तो हमें एक्स्टेंशन स्वीकार है, लेकिन आप यह तो बतलाइये कि आप क्या कदम उठाना चाहते हैं। आप अगर बिल का स्वरूप बदलना चाहते हैं तो हमें बतलाइये कि आप यह यह काम करने के लिये तैयार हैं जिस से हम अपना मार्ग निर्धारण कर सकें। जिन भाइयों ने वहाँ अन्याय किया उस को आज ज़रूर हटाइये, लेकिन दूसरे दिश के अन्ध जो अन्याय अपनी भां बहनों

पर किया गया उस अन्याय का आप कैसे परिमार्जन करेंगे ? उस का तो आप कोई उपाय सोचिये। अन्याय करना बुरा है परन्तु दूसरों के अन्याय को सहना उस से भी बुरा है। किसी के साथ पाप करना बुरा है पर दूसरों के पाप और अपराध को सहन कर के उस के पाप करने की वृत्ति को प्रोत्साहित करना और उस से आगे के लिये हमारे देश के लोगों के प्रति दूसरों के मन में यह भावना उत्पन्न करना कि वह कंकल हाथ जोड़ने वाले हैं, प्रोटेस्ट करने वाले लोग हैं, इस लिये हम चाहें जो कुछ करते जायें, यह कुछ नहीं कर सकेंगे, यह और बुरा है। इस लिये जो हमारे माननीय मंत्री महोदय ने फ़िगर्स के सम्बन्ध में ४६.६६ रिकॉर्डिंग कहा उसे सुन कर मुझे कुछ अवम्या सा हुआ क्योंकि हमारे पास एक रिपोर्ट, एक्सटर्नल एफ़ेअर्स मिनिस्ट्री की जारी की हुई है जिस के अन्दर यह था कि पिछले वर्ष के अन्दर २०,२५४ थे रैस्टोर्ड टु पाकिस्तान और उस के बदले में ८,८४४ थे रैस्टोर्ड टु इंडिया। अब यह ४६.६६ होता है या क्या होता है इस का अनुमान स्वयम् मंत्री महोदय लगा लेंगे। इस के अतिरिक्त इस सम्बन्ध में मैं और कुछ नहीं कहना चाहता हूँ। मैं अपने दक्षवासियों से, अपने बन्धुओं से यह प्रार्थना करूंगा, वह अपील करूंगा कि उन के पास कोई सूचना किसी बहन के बारे में हो तो वह स्वयम् उस को निकालें और पाप के भागी को सामने लें अर्थात्, लेकिन इस का मतलब यह नहीं है कि हमारा सामान्य कानून आज कुछ कर नहीं सकता है, पिछले दिनों चाहे जो कुछ भी स्थिति रही हो, लेकिन आज इमर्जेंसी मेजर्स के लिये कोई स्थान नहीं रहा। अब तो ऐसा नहीं कि वह आर्डिनरी कानून काम न कर रहा हो। या इस प्रकार के जो रिएक्शनरी एलिमेंट्स हैं वे इतने बलवान हो रहे हैं कि आप को अपना काम करने में या होम मिनिस्ट्री के काम करने में ठकावट डाल सकते हैं। इसी कोई बात नहीं है। तो फिर जो आर्डिनरी कानून है

उस को बलवान बनाना चाहिये और आपको जो आजकल ढाके ढाले जा रहे हैं उन में देश की रक्षा करनी चाहिये।

रैस्टोरेशन के प्रश्न के बारे में मैं यह कहना चाहता हूँ कि यह कहा गया है कि इतनों को भारत में ही उनके सम्बन्धियों को रैस्टोर कर दिया गया और इतनों को रैस्टोर कर के पाकिस्तान भेज दिया गया। मैं पूछना चाहता हूँ और आप को इस बात का ध्यान होना चाहिए कि भारत के अन्दर अभी भी कम से कम चार करोड़ मुसलमान रहते हैं और जो लोग पाकिस्तान चले गए हैं उन के सम्बन्धी भी यहाँ पर रहते हैं, कितने हिन्दू इस वक्त पश्चिमी पाकिस्तान के अन्दर रहते हैं और कितनी दीवियों के सम्बन्धी वहाँ पर इस वक्त रह रहे हैं ? यह बात समझ में नहीं आती कि कैसे पश्चिमी पाकिस्तान के अन्दर हिन्दुओं को पुनः रोक लिया गया जब कि वहाँ हिन्दू का नाम तक नहीं रहा। मैं यहाँ पर आप को बताना चाहता हूँ कि पश्चिमिस्तान के अन्दर, जिस को कि आप ट्राइबल टैरिटरी कहते हैं, वहाँ से अभी थोड़े समय से मेरे पास एक दूबी आई है, जो इस समय भी मेरे मकान पर है जिस के पीत का वहाँ दहान्त हो गया है। यह दूबी बड़ी मुराकिल से वहाँ आ सकी है। उस को एबडिक्टड परसंस की लिस्ट में रख लिया गया जब कि न तो वह पश्चिमी पाकिस्तान के किसी महकमे ने उसे खोजा और न ही एबडिक्टड ही थी, वह तो फ्रंटियर टैरिटरी जिस को कि ट्राइबल टैरिटरी कहा जाता है वहाँ की रहने वाली थी और वहाँ से यह आई। जिन परिस्थितियों में वह वहाँ रह रही थी उन परिस्थितियों में संकड़ों स्त्रियाँ यहाँ अब भी विद्यमान हैं। वह बातें बतलाती हैं कि किस प्रकार से उन के साथ वहाँ पर व्यवहार किया जाता है और किस प्रकार के अत्याचार वहाँ हो रहे हैं। एक स्त्री के साथ एक मुल्ला ने निकाह कर लिया और दूसरी को विवाह के लिए मजबूर किया और तब उसने

[श्री नन्द लाल शर्मा]

इन्कार दिया। तो जिस प्रकार उसको पटक कर मार दिया गया। इस लिए:

वृजन्ति ते मृद धियः पराभवं
भवन्ति मार्याविषयं न मारिय नः॥

जो मूर्ख ठग के साथ ठगी करना नहीं जानता वह अवश्य पराभव पाता है, जो आप की स्त्रियाँ कम द, आप को अपहृत व्यक्तियों की संख्या कम बतायें और आप को इंटरनेशनल जगत में खराब करें, मैं पूछता हूँ उस के साथ कैसा सलूक होना चाहिये। पकिस्तान वाले कहते हैं कि हिन्दुस्तान में ५०,००० के करीब व्यक्ति अपहृत कर लिये गये थे जिन में से केवल २०,००० ही लौटाये गए हैं और इस के विपरीत पाकिस्तान में अपहृत व्यक्तियों की संख्या बहुत कम है और इस लिए आठ नौ हजार ही वापस किये जा सके हैं। हम आप से कहते हैं कि यदि आप इंटरनेशनल जगत में राज्य का गौरव रखना चाहते हैं, राज्य सत्ता को बनावे रखना चाहते हैं तो आप को अपनी पातिसी बदलनी पड़ेगी। अगर आप यह कहें कि हमारे यहां बहुत बुरा हुआ और दूसरों के बारे में आप यह कहें कि वह तो हमारी सुनते ही नहीं तो इस से काम नहीं चलेगा। मिनिस्टर फार माइनारिटी एफेयर्स से कई बार प्रश्न किए गए और हमेशा उन्होंने यही कहा,

"We have protested but, I am sorry there is no response."

ऐसी दशा में जब हमें अपने मिनिस्टर्स से यह उत्तर मिले कि उन के अन्दर कोई शक्ति नहीं है और वे कुछ नहीं कर सकते हैं तो उस सूरत में जनता में हकूमत के प्रति निराशा फैलना, जनता के प्रतिनिधियों में जो यहां आए हैं, उन में निरक्षा फैलना एक स्वाभाविक सी ही चीज है। ऐसी दशा में हम हकूमत से क्या आशा कर सकते हैं। मैं समझता हूँ कि इस रूप में इस विधेयक को आगे बढ़ाने से कोई लाभ नहीं होगा।

अगर सरकार विधेयक को लाना ही चाहती है तो इस को इस रूप में लाये जिस से कि हमें विश्वास हो जाए कि हमारी जो बहिनें बीटियां वहां पर रूठ गई हैं लाई जा सकेंगी।

इस भवन में मेरी बाई और बँठी एक दूवी ने कहा कि हिन्दू परिवारों के अन्दर बड़े लोग ऐसे हैं जो उन दूवियों को अपने घरों में रखना नहीं चाहते हैं और यह नहीं करना चाहते हैं और वह नहीं करना चाहते हैं। मैं समझता हूँ कि यह सिवाय प्रापंगंडा के और कुछ भी नहीं है। मैं बताना चाहता हूँ कि नवास्ली में जिस वक्त पहले पहल कलेंआम हुआ उस वक्त बड़े बड़े सनातनियों ने आर्थोडॉक्स लोगों ने और श्री स्वामी कारपात्री जी ने कहा कि उन एबडिक्टेड दूवियों को गंगा स्नान करवा कर के एक दिन व्रत रखवा कर अपने घरों में ले लिया जावे। स्वयं मनु ने यह शब्द कहे हैं :

सर्वान्वल कृतानर्थान अकृतान्मनुरव्वीत् ।

बलपूर्वक जो कर्म करगाया जाता है वह कर्म न करने के समान होता है। ऐसे कर्म के करने वाले को पाप नहीं लगता। ऐसी परिस्थितियों में यह कहना कि हमारी हिन्दू जाति उन को लेने के लिए तैयार नहीं है, भूठा प्रापंगंडा है और भारतीय संस्कृति को खराब करने के लिए किया जा रहा है।

Mr. Deputy-Speaker: Shri Deshpande will have five minutes. After that I will call the hon. Minister.

Shri Kamath: I want to speak; I will take only five minutes.

Mr. Deputy-Speaker: I will call him during the Companies Bill.

Shri Kamath: But Sir, I want to speak on this Bill, and not on the Companies Bill.

Mr. Deputy-Speaker: I have already called upon Shri Deshpande.

श्री बी० जी० दशपांड : यह जो विधेयक प्रस्तुत किया गया है और जो हम इस का विरोध कर रहे हैं वह इस लिए नहीं कर रहे हैं कि जो स्त्रियां इधर रह गई हैं उन को पाकिस्तान न भेजा जाए। हम चाहते हैं कि जो स्त्रियां इधर रह गई हैं उन को उधर भेज दिया जाए और जो उधर रह गई हैं उन को इधर लाया जाए। इस के बारे में कोई मतभेद नहीं है। परन्तु मैं देख रहा हूँ कि हेतु के बारे में भूठ आरोप लगाकर झुट्टियों को छिपाने का यत्न यहां हो रहा है। जो हम इस बिल का विरोध करते हैं उसका एक कारण है। आज सात साल से यह जो अपहृत माताओं का संघठन है यह एक विकृत मनोवृत्ति से एक परवर्तित एग्रेस से अपना काम कर रहा है। इस की मनोवृत्ति यह रही है कि पाकिस्तान के अन्दर जो हिन्दू स्त्रियां हैं उन को छुड़ाने के कोई विशेष यत्न नहीं हुए हैं। हो सकता है कि इसका पाकिस्तान में ज्यादा विरोध होता हो। परन्तु परिणाम प्रत्यक्ष है। बताया गया है कि पाकिस्तान में 2000 स्त्रियां पाकिस्तान के कर्मचारियों के पास हैं। मुझे पता नहीं कि यह बात कहां तक ठीक है। संभव है कि यह बात फेक्ट फार्डिंग कमेटी के सामने आ जाए। हम ने यह भी देखा है कि वहां से सामाजिक कार्यकर्त्री स्त्रियां उधर से इधर आई हैं परन्तु यहां कार्यकर्त्री स्त्रियां जैसे कि हमारी सुचेता बहन हैं और बाकी और स्त्रियां हैं उन को वहां काम करने जानें नहीं दिया गया। इस में एक विशेष मनोवृत्ति के लोग काम करते रहे हैं।

इसके अलावा यहां की परिस्थितियां और यहां की परिस्थितियां भिन्न रही हैं। जिन स्त्रियों का जन्म यहां हुआ और जो विधवा हो गईं चूंकि उन के बहुत से सम्बन्धी यहां पर ही रहते थे इस लिए बहुत सम्भव है कि वह वापस जाना न चाहती हों और अपने सम्बन्धी जो उन के यहां रहते हैं उन के पास ही रहना चाहती हों। ऐसी स्त्रियों को बर्बर्स्ती भेजने के प्रयत्न हो रहे हैं। उस वक्त जिस वक्त यह विधान लागू किया गया

था शायद उस वक्त इस की आवश्यकता थी और शायद उस वक्त एमर्जेंसी पैदा हो गई हो। परन्तु आज छः सात सालों के पश्चात ऐसा कानून जिस में हाई कोर्ट या सुप्रीम कोर्ट हस्तक्षेप न कर सकें हों इस की आवश्यकता महसूस नहीं होती। ट्रीब्यूनल के सामने स्त्रियों की इच्छा देसी जाती है परन्तु प्रत्यक्ष उदाहरण हमारे सामने हैं। एक मुस्लिम स्त्री को जबर्बस्ती यहां से पाकिस्तान भेजा जा रहा था और इस के बारे में बहुत प्रयत्न भी हो रहा था लेकिन वह यहां पर उसी सुरत में रह पाई जब कि सुप्रीम कोर्ट ने स्टैंडार्ड जारी कर दिया। एक तो हमारा विरोध इस बिल के बारे में जो कारण मैं ने अभी बताया है, इस लिए है।

दूसरी बात जिस लिए मैं इस बिल का विरोध करता हूँ वह यह है कि जो हिन्दू स्त्रियां अगहृत कर ली गई हैं उनको वापस लाने में आज जब कि छः सात साल हो गए हैं इस बारे में कुछ भी नहीं किया गया है। एक ही काम इतनी दूर से चला आ रहा है। यहां से हजारों ही स्त्रियां पाकिस्तान भेजी गईं। आजाद काश्मीर में हजारों स्त्रियां आज हैं और उन की घिट्टियां भी यहां आई थीं। मैं ने यह घिट्टियां एक्सटर्नल एफेयर्स मिनिस्ट्री को भेजी थीं परन्तु आज तक उस पर कोई ध्यान नहीं दिया गया है। पूर्वी पाकिस्तान से हजारों लोग यहां आ रहे हैं और वहां पर भी जो स्त्रियां एवढकट कर ली गई हैं और जो अत्याचार उन पर हो रहे हैं, उनको भी लाने की कोई कोशिश नहीं हो रही है। इसके बारे में कोई प्रयत्न नहीं हो रहा है। मैं मानता हूँ कि आज तक कोई और मंत्री महोदय इस काम को कर रहे थे और जब वे बदल गए हैं और नये मंत्री महोदय आ गए हैं। वे कौन कौन से कार्यकर्ताओं और कार्यकर्त्रियों की सहायता से कार्य करने वाले हैं, इसका मुझे पता नहीं है।

इसके आगे शायद यह कोई काम कर सकते हैं। परन्तु यह कानून केवल दो महीने के लिए लाया गया है और मंत्री महोदय ने क्या

[श्री वी० जी० दशपांडे]

हैं कि उसके बाद फॉक्टफाइंडिंग कमिटी का निर्णय देख कर कार्यवाही की जायेगी। शायद उसके बाद मंत्री महोदय यहां नया विधेयक लकते हैं। यह भी हो सकता है कि इस का आर्गनाइजेशन दूसरी तरीके का हो। मैं तो यही कहना चाहता हूं कि इस थोड़े से समय में—दो महीने में—कोई बहुत फर्क नहीं पड़ने वाला है और इस विषय में हम अपना विरोध मंत्री महोदय के सम्मुख पेश करना चाहते हैं। आज तक जिस प्रकार से कार्य हुआ है, उसमें न तो उधर से हमारी स्त्रियां ही आ सकी हैं और न ही यहां की स्त्रियों के स्वातंत्र्य के प्रति कोई सद्भावना दिखाई गई है। हमने कई कैसेज ऐसे देखे हैं, जिनसे हमने यही धारणा बनाई है कि आपके हृदय में स्त्री का मूल्य एक सम्पत्ति-वैटल—से ज्यादा नहीं है। यह न देखते हुए कि कोई स्त्री क्या चाहती है, कहां रहना चाहती है, उसकी इच्छा क्या है, केवल यह जान कर कि वह मुसलमान थी, पुलिस उसको पकड़ कर ले जाती है और यह समझ कर कि वह मुसलमान होने से ही पाकिस्तान की सम्पत्ति है, उसको पाकिस्तान भेज दिया जाता है। इस प्रकार के कार्य स्त्री के मूल्य को घटाने वाले और स्त्री के सम्मान को गहरी चोट पहुंचाने वाले हैं। उधर से तो कोई स्त्री आई नहीं, इधर की स्त्रियों को चुन चुन कर भेज कर क्यों आसेप ले रहे हैं? आजाद काश्मीर और पूर्वी पाकिस्तान की अपहृत महिलाओं को वापस लाने का कोई प्रयत्न नहीं किया जा रहा है।

3 P.M.

अन्त में मैं एक ही बात कहूंगा। दो महीने के पश्चात् आप जो कोई भी कानून बनाए, जो परीक्षित है, आपकी जो मनोपूर्ति है, आपकी जो मशीनरी है, उसको देखते हुए वह आशा करना व्यर्थ है कि आप पाकिस्तान से बहुत सी स्त्रियों को लड़वा लयेंगे। यहां से जाने वाली स्त्रियों के बारे में हम कहेंगे कि इस बारे में आर्गनरी कानून बना लो। वह प्रिजम्पशन मत कीजिए कि चूंकि किसी

स्त्री का पति पाकिस्तान में रहता है या वह मुसलमान है, इस लिए उसको पकड़ कर पाकिस्तान भेज दिया जाये। जब तक वह कोर्ट में अपनी इच्छा प्रकट नहीं करती, कानून के मुताबिक मजिस्ट्रेट के सामने नहीं कहती कि मुझे यहां बचदस्ती रखा हुआ है और मैं पाकिस्तान जाना चाहती हूं, नियमित रूप से एडवांकेट आए, एविडेंस आए, तब तक उस को कहीं भेजा न जाए। इस समय आप जो कुछ कर रहे हैं, वह इस विकृत मनोपूर्ति के कारण कर रहे हैं कि हम बड़े धर्म-निरपेक्ष हैं और इसका नतीजा केवल यही है कि हम मुसलमानों की स्त्रियां पाकिस्तान भेज रहे हैं। मैं आपसे कहूंगा कि केवल यह बताने के लिए कि हम बड़े धर्म-वीर हैं, आप पाकिस्तान में रहने वाली बेचारी हिन्दू स्त्रियों को दुख न दीजिए और यहां की मुस्लिम स्त्रियों का स्वातंत्र्य अपहरण न कीजिए। इतनी ही मेरी प्रार्थना है।

Shri Barman (North Bengal-Reserved-Sch. Castes): This is a simple Bill by which the hon. Minister has asked the House to extend the Recovery and Restoration Act up to the 30th day of November, 1955. It is also stated in the Statement of Objects and Reasons that the Government expects, when the Joint Fact Finding Commission will submit its report, that the matter will again come up before the House, and, as the hon. Minister says, we shall have to decide what course of action to take.

To speak frankly, I support the continuance of this Act upto 30th November, 1955 and, even after that. I want this Government to establish a machinery on both sides of the border—in Pakistan as well as in India—which may continue the task of recovering and restoring all abducted women at last for another 20 years.

It is true that subjects like this, whenever they come up before this House for discussion, are not only heart-rending and painful but also sickening. It pains us to think that,

at a time when this country was partitioned and both Hindus and Muslims enjoyed sovereignty in separate parts of India, they could not protect their womenfolk. It is a shame, as has been said by one of my sisters, that when an abducted woman is recovered her husband is not willing to take her. It is a shame, I say, for that husband who has protected his own life and sacrificed his wife at the hands of abductors. I know that the circumstances are such that both the Governments of India and Pakistan could not help people in this task of recovering the womenfolk of both the Governments from the hands of abductors; but whatever that might be, it remains the duty of both the Governments to recover and give shelter to each and every woman of either Government who is in the hands of abductors so long as she is willing to come over from the other side. Of course, it is a difficult task. We find from the report that was once submitted to this Government by Shri Ghulam Haider, Officer-in-charge, Central Recovery Office, Lahore and Shri R. K. Balbir, Officer on Special Duty, Central Recovery Organisation, New Delhi, that the task is a difficult one. I shall read only one paragraph from that report and that will give us an idea as to how difficult the task is and will serve as a reminder. If both the Governments have not yet been able to recover the last woman who is willing to be rescued and brought over from the other side, this will throw some light about the circumstances under which both the Governments have to work. In para 2 it is said—I shall only read a part of it:

"In 'abduction areas' called by us as 'affected areas', the atmosphere is not conducive to voluntary escape; invariably there is lack of local co-operation in helping an abducted person to contact the proper authorities who can save her. The women are in the hands of the 'bullies' of the village, or the abductors are under their protection, and hence there is no chance for escape."

I do not know what is the exact position in the year 1955; perhaps, this Joint Fact Finding Commission will be able to tell us how far their task is easy or difficult today and on that we can assess how far the Government has been successful in its efforts and how far its attempts have been earnest or not.

Sir, we have also received a report some time back that there are certain areas in Pakistan where even those persons who were entrusted with the task of recovery had no entry. I do not know whether that position exists even today or whether the whole of Pakistan is now free from any such restrictions. I hope we will get all this information when the Fact Finding Commission submits its report.

My last request to Government is that there must be some machinery existent on both sides to help every woman whom they ran trace; to rescue her and give shelter to her. It is the duty of both the Governments to give shelter not only to the children but also to the woman who may not be accepted by their husbands or by their relatives. It is their moral duty and I hope the Governments will not fail in that duty.

Sardar Swaran Singh: I am grateful to the hon. Members who appear to have given a lot of thought to this complex problem. Some of the suggestions that they have made require serious consideration and, as I said at the outset, in such a complex and difficult problem, for anybody to be dogmatic and to say with certainty as to whether this or that is the correct solution would, perhaps, be overstating the case. I am happy to note that by and large there is general agreement about the proposition that this humanitarian work should be continued and effort should be made to ensure that for such of the unfortunate women who may after remaining in proper and free atmosphere for some time like to go over to the other country, circumstances should be created in which they can exercise that will of theirs. It is also heartening to find that in spite of certain objections and strong feelings

[Sardar Swaran Singh]

that certain Members of this House have, about what has happened in the other country, there is on the whole a uniformity of opinion that we should do our duty irrespective of what is done in the other country. It has no doubt been strongly stressed that circumstances should be created by which recovery of these abducted persons in this country and in the other country is facilitated. So far as this objective is concerned, this is unexceptionable. What, however is the best way to ensure that? There may be a difference of opinion here. Can we do that by strongly criticising what has been done elsewhere and can we attain that by using strong invectives and very strong language? I feel that much purpose is not served by adopting that attitude. Nothing has been suggested that could have been done and which has remained undone except the usual long stick with which everything has been sought to be lumped together. I fail to see the relevance of bringing in the Goa matter or even the East Pakistan issue in this question of recovery of abducted persons.

Shri Nand Lal Sharma: Foreign policy is also involved in this case.

Sardar Swaran Singh: I thought that this matter could be disposed of and decided on much simpler grounds than by these high-sounding theories of foreign policy. This appeared to be a small humanitarian subject and to toss about the womenfolk, whether they are here or in the other country, and to tie them with foreign policy and things of that nature, I thought, will not be a correct approach and will not be the approach for which India always has taken credit.

Shri Nand Lal Sharma: A word by way of explanation. Because our women are already, there, in certain foreign countries, I alluded to it. Not otherwise.

Sardar Swaran Singh: Somehow or other, when we use such strong language, we forget...

Shri B. S. Murthy (Eluru):...strong action.

Sardar Swaran Singh: Quite right, but we forget that strong words are not always strong action and those who use strong words generally are found to be failing when the time for strong action comes.

Shri Nand Lal Sharma: That lies with the Government.

Sardar Swaran Singh: Therefore, we have decided to use moderate language, to show humility in this approach, rather than that spirit of bravado which, when the real time for solid action comes, does not come up to the expectation. Only high feelings would be aroused as a result of strong language. To expect that we on this side should do this thing and that thing and the others should do much more than that is perhaps something which is against human nature, and by adopting an attitude with regard to the persons here and to expect that others should adopt an entirely different attitude or should have a different law is something which I have not been able to understand! On this side, normal law should be restored and we should forget all that happened during that unfortunate time; and on the other side, you say that something dynamic, something great, something out of the way should be done! How can the two ideas go together or how the two ideas can be compromised? I must confess that I could not comprehend the import of this approach.

So far as general matters are concerned, the stress that has been laid about the association of larger numbers of social workers appears to be the correct approach. I may say that already a fairly large number of social workers are associated with this work at various levels: at the stage of enquiry, at the stage of helping them in the social camps; at the stage of rehabilitation psychologically, which is so essential in such cases. Social workers, a predominantly large

number of them being lady workers, have always remained associated with this type of work. I shall be only too glad to take the advice or to carry on consultations with such of the hon. Members of this House who may have anything to suggest as to what could be the best way of solving this rather intricate problem. From that angle, certain suggestions have been made, and the suggestions that the approach should be from the social angle rather than from the official angle is good and indeed that has been the approach so far; and an increasing effort will be made to bring in the social angle to a greater extent as compared to what we have been doing so far.

A large number of Members who have participated in the debate have said that these short extensions create a certain amount of uncertainty amongst those who are interested in the implementation of this policy and that it may also create a certain feeling amongst the abducted persons that they are perhaps not being cared for and that, though against their will, they will sometimes try to resign themselves to their fate, and therefore, that urge to be restored to an atmosphere of freedom disappears. There appears to be considerable force in that opinion, and one of the hon. Members has actually tabled an amendment saying that the Act may be extended till November, 1956, and before then there will be the report of the Fact-finding Commission. But in view of the almost unanimous desire that has been expressed that all efforts should be made to recover these persons from India as well as that efforts should be continued to see that conditions are created in which such of the non-Muslim women or other abducted persons as might still be in Pakistan territories might be recovered and brought over to us, Government will be inclined to accept this amendment. I may further say that after the report of the Fact-finding Commission is received, the matter will be examined again and the views which have been expressed by the hon. Members on the floor of the House will be given due weight and if, as a result of the findings of the Commission, any change

is necessary, the Government will not hesitate to come before this House to ask for alterations in the statutes as they will exist on that occasion. But, if a result of that, it is considered necessary that the procedure is to continue with such modifications, of course, of a procedural nature like strengthening the Tribunal or greater association of social workers or to give it more a social aspect rather than an official one, apart from these things which are more or less procedural, if no other fundamental change is necessary, then perhaps it will be a pressure upon the valuable time of this House if, again after three months, I have to come for extension. It is from that angle that the Government will be inclined to accept the amendment that this might continue till November, 1956. But if any change is necessary, then we will come for that alteration.

I have already taken much time. Most of the points that have been raised have been answered by some of the other hon. Members and I only want to end by saying that I have been greatly benefited by the observations which have been made and they will be examined with great care and every effort will be made to carry on this work in a truly humanitarian spirit, and the social aspect which has been stressed so much will be given increasing weight.

Mr. Deputy-Speaker: The question is—

“That the Bill to continue the Abducted Persons (Recovery and Restoration) Act, 1949, for a further period, be taken into consideration.”

The motion was adopted.

Clause 2—(Amendment of section 1 etc.)

Amendment made:

In page 1, line 10,

for “1955” substitute “1956”.

—[Sardar Iqbal Singh]

Mr. Deputy-Speaker: The other amendment of Shri Trivedi seeking to substitute August or November is barred.

[Mr. Deputy Speaker]

The question is:

"That clause 2, as amended,
stand part of the Bill."

The motion was adopted.

"Clause 2, as amended was added to
the Bill.

Clause 3, Clause 1, the Enacting
Formula and the Title were added
to the Bill.

Sardar Swaran Singh: I beg to move:

"That the Bill, as amended, be
passed,"

Shri Kamath rose.

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be
passed."

The motion was adopted.

Shri Kamath: I must protest against
this attitude. You are very fast, we
cannot keep pace.

Mr. Deputy-Speaker: The hon. Mem-
ber is faster than myself. He will
have ample opportunity on the Com-
panies Bill.

Shri S. S. More: That does not mean
that he cannot speak on this Bill.

Shri Kamath: I cannot speak on Com-
panies Bill in this connection.

Mr. Deputy-Speaker: It is not as if
every hon. Member should speak on
every subject.

Shri Kamath: I was going to speak
on entirely different points, the admin-
istrative set-up.

Mr. Deputy-Speaker: The hon. Mem-
ber appeared only at the *fag* end of
the discussion. Some hon. Members do
not take interest. I know the name
of every hon. Member who was sitting
here and rose or sent chits. I called
12 hon. Members. The hon. Member
comes in like a lightning at the end,
and wants to speak.

Shri Kamath: I did not send a chit,
but I rose thrice.

Mr. Deputy-Speaker: I am going to
next item.

Shri Kamath: Most unfair, most un-
fair.

Mr. Deputy-Speaker: It can never be
said about me.

Shri Kamath: On this occasion, you
have been very unfair. I am walking
out.

COMPANIES BILL—contd.

Mr. Deputy-Speaker: The House will
now take up clause by clause con-
sideration of the Companies Bill

The first group consists of clauses 1
to 80 and 9 hours have been allotted
for it. As usual, clause 1 will be held
over until all the clauses and schedules
of the Bill have been disposed of. Hon.
Members who wish to move their
amendments to these clauses will kindly
hand over the numbers of their
amendments, specifying the clauses to
which they relate, to the Secretary at
the Table within 15 minutes and they
will be treated as having been moved
subject to their being otherwise admis-
sible.

Shri K. K. Basu (Diamond Harbour):
Are all the amendments to these
clauses taken as moved.

Mr. Deputy-Speaker: Whosoever is
not here, his amendments will not be
treated as moved. I do not treat every
amendment that is tabled as moved.
Those hon. Members who are present
need not all move their amendments.
The normal procedure is that I ask
every hon. Member to get up, then ask
"Do you move this amendment?" He
might say, "No, Sir; I will move some
other amendment", and so on and so
forth. So, in order to avoid waste of
time, I am asking hon. Members who
are present to send chits giving the
numbers of the amendments which they
would like to move. 15 minutes have
been given for this purpose. I will treat
those amendments as moved and I will
also read out the numbers of the
amendments taken as moved. In the
meanwhile, discussion may go on. I
will not treat as moved the amend-
ments of those hon. Members who are
not present. Others who are present
should send chits to the Table. This is
for the purpose of saving time.

Shri S. S. More (Sholapur): Does It

mean that as far as clauses 2 to 80 are concerned only the amendments of those who are present here at the moment will be treated as moved? 9 hours are allotted for this group and a Member who may not be present now may be present sometime afterwards. What about his amendments?

Mr. Deputy-Speaker: I will be indulgent. What I want is that within half an hour hon. Members must know what are the points on which they wish to speak. If at the end of eighth hour, an hon. Member comes and says, I want to move my amendment, what is to be done! For instance, Mr. More who might have already spoken may say, I would have spoken about this matter also. That is the difficulty.

Shri Tulsidas (Mehsana West): Instead of taking clauses 2 to 80, may I suggest that we should start from the first chapter and consider the amendments to those clauses only? The other chapter may come in later on.

Mr. Deputy-Speaker: I am agreeable. I have also felt that after having allotted nine hours for clauses 2 to 80, it may require some sub-division also. The sub-committee which was appointed went into the matter and it felt that clauses 2 to 80 could be placed under one head.

Shri N. C. Chatterjee (Hooghly): I suggest and I hope the hon. Minister will agree that clauses 2 to 10 should be taken up first. If you kindly look at the clauses, Part I detention starts from clause 2 goes up to clause 6 which deals with meaning of 'relative'. Then, come clauses 7, 8 and 9: Interpretation, power of the Central Government to declare an establishment not to be a branch office, and overriding of memorandum, articles, etc., and clause 10 deals with the jurisdiction of courts. It will be better if we take up this group and dispose of it.

Mr. Deputy-Speaker: I agree. In the meanwhile, hon. Members, including the hon. Minister of Revenue and Civil Expenditure, who has taken some pains to look into this matter, will please indicate to us how these 9 hours could be apportioned among these

clauses. That is Part I: it relates to definition and jurisdiction, etc. Then comes to Part II: Incorporation of company and matters incidental thereto, Memorandum of Association, etc. I think we can conveniently take clauses 2 to 10 as one group. Then, clauses 11 to 19 will be another group. Then comes clause 20: provisions with respect to names of companies Articles of association, etc. clauses 25 to 30. Then we may take up clauses 31 to 41: change of registration of companies, general provisions with respect to memorandum and articles. Then come clauses 42 to 44: private companies. Then, contracts and deeds, service of notice, authentication of documents, etc. That will be another group. Then comes Part III: Prospectus and allotment, commissions and discounts, issue of shares at premium and discount, redeemable preference shares. If these are the 6 or 7 groups, we can take up. The arrangement is this. Clauses 2 to 10 may form one group, definition group or Preliminary or Part I. Then, clauses 11 to 19 will be another group: Incorporation of company, Memorandum of association, etc. The third group will be clauses 20 to 24. The next group will be clauses 25 to 30. The next group will be clauses 32 to 39. The next group will consist of clauses 40 to 53.

Shri Asoka Mehta (Bhandara): May I point out that the largest number of amendments are to clause 2. I am afraid, we shall have to devote considerable time to a discussion of that clause.

Mr. Deputy-Speaker: I am on another point.

Shri Asoka Mehta: You are grouping like this. There are a number of clauses on which there are very few amendments. In some clauses there are 2 or 3 amendments. Can we divide the time in that arbitrary fashion? If you divide like that, perhaps the same person may have to speak 3 or 4 times. If you keep them as they are kept together, perhaps each speaker will speak only once in the course of 9 hours and make his observations on the various amendments.

Some Hon. Members: That would be very difficult.

Shri N. C. Chatterjee: May I suggest one course? It is quite true, that **Shri Asoke Mehta** points out that the largest number of amendments are centered round the first group, that is Part I, covering clauses 2 to 10. If you make it one group and give us 5 hours, I think that would be best. If you split the rest as Parts II and III and give two hours each, it would be best: Part II clauses 11 to 53 and Part III clauses 54 to 80. There will be some symmetry and some basis.

Mr. Deputy-Speaker: My grouping, as I did, does not necessarily mean that time will be allotted merely because it is a group. The importance of the group will be taken into consideration. In regard to clauses 2 to 10, there are a lot of amendments and this group will get more time. For the purpose of enabling hon. Members to speak, we may put it in two groups. As suggested by **Shri N. C. Chatterjee**, we may take Part I, clauses 2 to 10. Then we may take Part II. We may split it into two parts: Memorandum of Association, articles of association, etc.

Shri N. C. Chatterjee: Clauses 11 to 53 may be taken as one group.

Shri S. S. More: Even then, the subject of Prospectus will be closely associated with Memorandum of Association. I suggest all these three, Articles of association, memorandum of association and prospectus can go together so far as discussion is concerned. They are cognate subjects.

Mr. Deputy-Speaker: Very well; prospectus is only issued to the public.

Shri S. S. More: Articles and the memorandum will be the basic documents and prospectus is what will be announced to the public.

Shri C. C. Shah (Gohilwad-Sorath): I wanted to suggest what **Shri N. C. Chatterjee** has suggested. What **Shri N. C. Chatterjee** has suggested is more practical that Parts I, II and III may

be taken up separately as each group. Each Part deals with entirely different independent subjects. Particularly, Part I will be the path which will take more time than the other two parts.

Mr. Deputy-Speaker: We are all agreed. As suggested by **Shri S. S. More**, that part of Part III dealing with prospectus goes with Memorandum and articles of association rather than with allotment, commissions, etc. That is the small point.

Shri S. S. More: Instead of stopping at clause 53, we may stop at clause 67. Allotment, etc., will be a different problem.

Shri C. C. Shah: Really speaking, prospectus is by itself an independent subject, independent from articles and memorandum. It can be dealt with separately. That is my suggestion as suggested by **Shri N. C. Chatterjee**.

Mr. Deputy-Speaker: Anyhow, it is not going to be dealt with separately. Even in Part III. Prospectus is only a portion. The only point is whether it should be tacked on to Part II or Part III.

Shri C. C. Shah: All right; as you please.

Mr. Deputy-Speaker: The final agreement is this. Clauses 2 to 10 will be taken up as group 1. Clauses 11 to 67 will be taken in the second group, that is including prospectus. The rest of Part III will be taken as the next group, that is clauses 68 to 80, both inclusive. That is, clauses relating to capital issue, allotment, etc., will be a homogeneous group. Time will be allotted not only according to the amendments tabled, but also according to the importance of the clauses. Hon. Members may not have tabled amendments; I cannot say that they ought not to speak. Notwithstanding that there are no amendments with respect to any particular portion, issue of capital, allotment, etc. are very important matters: not merely definition. After all, the definition goes with what follows. The number of amendments is not the

criterion. I would like hon. Members to decide among themselves how the 9 hours may be distributed.

Shri N. C. Chatterjee: I am suggesting that 5 hours may be allotted for the first group.

Mr. Deputy-Speaker: Allotment and other things do not require time?

Shri N. C. Chatterjee: You will have 4 hours left over. You may split it into two hours for each part.

Mr. Deputy-Speaker: Four hours, 3 hours and 2 hours; that is my feeling.

The Minister of Finance (Shri C. D. Deshmukh): I think, 5, 2½ and 1½ hours would be all right. Allotment is not a matter of controversy.

Mr. Deputy-Speaker: All right.

Shri Tulsidas: Even if we take clauses 1 to 10 as one group, there are different subjects. In Definitions, there are different subjects. Then, definition is only from clauses 2 to 7. Then, there are other subjects, as already pointed out by Shri N. C. Chatterjee which require explanation. When we deal with clause 10, we will have to deal with all the clauses up to 80.

Mr. Deputy-Speaker: We originally wanted to speak on clauses 2 to 80. Now we will take clauses 2 to 10. Any hon. Member may speak on any of these clauses and the amendments relating thereto. When the question of putting them to vote arises, if any hon. Member says that a particular clause or amendment may be put separately, I will do so. Otherwise, if there is no objection, I will put them all together.

Now, clauses 2 to 10 will get 5 hours; 11 to 67—2½ hours, and the rest; 68 to 80—1½ hours.

Shri Asoka Mehta: A Member can speak thrice?

Mr. Deputy-Speaker: Oh yes, a Member can speak thrice.

As soon as the five hours are over, I will close the discussion and apply the guillotine.

Shri C. D. Deshmukh rose.

Mr. Deputy-Speaker: Does the hon. Minister want to say anything?

Shri C. D. Deshmukh: Do we begin now?

Mr. Deputy-Speaker: Yes.

Shri N. C. Chatterjee: First, the hon. Minister might like to say something about the amendments and their implications.

Mr. Deputy-Speaker: And it will also be useful. With respect to these clauses if the hon. Minister himself has tabled any amendments or he is going to accept any of these amendments, to a large extent we will know where we stand, and hon. Members need not press those points which are admitted. With respect to the others, they may pick and choose and devote their attention.

The hon. the Finance Minister.

Shri S. V. Ramaswamy (Salem): The consolidated list has not yet been distributed to us.

Mr. Deputy-Speaker: What is the consolidated list? They are all numbered together.

Shri S. V. Ramaswamy: No, Sir. Clause by clause. The numbers are different.

Mr. Deputy-Speaker: I have got a list here for each clause. I will ask them to circulate this.

This has been circulated.

Shri S. V. Ramaswamy: That gives only the number of the amendment for each clause. That will not be enough.

Mr. Deputy-Speaker: What will be enough?

Shri S. V. Ramaswamy: The number of the clause, for instance, for which the Government have given amendments, that has also to be tabulated.

Mr. Deputy-Speaker: I am not able to follow the hon. Member. What has been done is, all the amendments that have been tabled have been serially numbered. That is number one. And the office has further done this: under each clause the numbers of the amendments have also been put down. Furthermore evidently the hon. Member wants a synopsis of the amendments.

Shri S. V. Ramaswamy: My submission is this. It is all in the form of lists 1, 2, 3, etc. I want a consolidated list.

Shri S. S. More: On the previous occasion a consolidated list was prepared to amendments on all the clauses, giving all the amendments, giving the whole amendment, not only quoting the number.

Mr. Deputy-Speaker: I do not know what the hon. Members want. I have got in my hands here a list, and I am informed by the office that this has been circulated. It gives for example against clause 2 all the amendments to clause 2.

Shri K. K. Basu: The numbers.

Mr. Deputy-Speaker: Yes. And then wherever Government have tabled amendments, at these places we have indicated "Government". We have got the serial numbers of the amendments there. Hon. Members will have to read that along with this.

Shri T. S. A. Chettiar (Tiruppur): Till now when Bills have been brought forward, these numbers were not given but the actual amendments were given for the clauses. Now, doing work as we do, it takes quite a lot of time because each of these numbers are in different lists, and it is not indicated here in which list these amendments are. Amendment No. 63 may be in the twelfth list whereas 64...

Mr. Deputy-Speaker: That does not matter. They are all serially numbered. I am afraid there is a confusion about the lists. Hon. Members may

forget these lists. From 1 to 1,000 all of them are serially numbered, in whatever list they might be. For the purpose of circulation it is put as a list, but that list does not start once again from number one. The tenth list starts with the number 150. Therefore, the lists may be left out of account. This is the practice that we have been adopting for nearly a year and half so.....

Some Hon. Members: No, no, Sir.

Mr. Deputy-Speaker: No or yes, this is the practice at least for the Companies Bill. I am not going to spend more time on this matter. Hon. Members must take more pains in this regard.

Shri K. K. Basu: Tomorrow they can circulate the consolidated list.

Shri T. S. A. Chettiar: May I point out to you that we think it is a very inconvenient system? It will not facilitate the study of amendments and following the proceedings in the House, and I think we should adopt the old procedure, that for each clause all the amendments are printed. That was the old procedure and that should be adopted. This is a very inconvenient form, and I think that within the few hours that are allotted, the discussion will be stifled by merely referring to it. I think that the old system should be adopted.

Mr. Deputy-Speaker: The hon. Member has, I think, a short memory. We have adopted a different method. The hon. Member has been here for twenty years now. The old practice is that of having lists and each list starting with serial numbers beginning from No. 1. Then the procedure was adopted of gathering all these. Formerly there was list No. 7 and amendment No. 10 for example. There were two uncertain factors. The procedure that has been now adopted is to tabulate all the amendments, number them serially from 1 onwards.

Therefore, there is no difficulty, and then the key is also given here. For clause 2, you have only to refer to all

these amendments. The difficulty if any is not going to be obviated if there is a tabular statement under each clause repeating them once again and printing the whole thing. It may be that some amendment that comes now may not be put in that order of serial numbers—1, 2, 3, amendment (a) sub-division (a) and so on and so forth. That takes time for the office as it does for the hon. Member. This key with the serial numbering is what has been adopted for some time past. Under these circumstances, hon. Members will kindly put up with whatever inconvenience there is. I do not think there is any help.

Shri T. S. A. Chettiar: The office is there to help us. It is for the office to put up with some inconvenience.

Shri U. M. Trivedi rose.

Mr. Deputy-Speaker: Very well, the hon. Minister.

Clauses 2 to 16

Shri C. D. Deshmukh: I have amendments Nos. 245 to 267 without any break and Nos. 282 to 284. These are amendments to clause 2. Then No. 285 which is Government amendment to clause 3; No. 286 to clause 4, and No. 287 to clause 6.

I propose to say a few words in regard to these. Before I do so, I would also like to say that since you have received intimation that certain other amendments have been moved which are acceptable, I would like to name them. They are against clause 2—Nos. 325, 327, 329, 333, 335 and 337. They all stand in the name of Shri C. C. Shah. We propose to accept them.

Now, in regard to amendments 245 to 267, they appear very numerous. but the explanation is a very short one. The object of these amendments is to make the definition of the expression "associate" in clause 2, sub-clause (3) more water-tight. It is obviously necessary to disqualify a relative of a director or manager of a managing agency company, as otherwise the provision restricting the appointment of

associates, as selling agents, buying agents etc., under clause 356 and the following clauses will be defeated. The disqualification of a relative without disqualifying the firm in which such relative holds a share—it may be a fourteen anna share—will be anomalous and will tend to nullify the object with which the disqualification is imposed. Likewise, the disqualification of a partner entails the disqualification of a firm in which the partner is a member. In counting the percentage of the total voting power in a body corporate which would entail the disqualification of the body corporate, it is necessary to include the voting powers exercisable not only by the partner or partners or firm of firms, but also the voting power exercisable by a relative or relatives and the private company or companies. The position of a partner is similar to that of a relative and the position of private companies is similar to that of firms. The inclusion of firms alone without including private companies will tend to defeat the object, as the firm may then by registering itself as a private company easily get over the disqualification. This deals with all the amendments to clause 2 (3).

As regards clause 2 (4), the amendments are modelled on the amendment suggested to sub-clause (3) about which I have spoken. They involve no new points and the reasons for the amendments are exactly the same as those for the amendments to sub-clause (3).

Then, I come to some other amendments to clause 2. There is clause 2 (15).

Shri K. K. Basu: Which amendment?

Shri C. D. Deshmukh: Amendment No. 282. This is intended to clarify clause 50, which lays down the mode of service of documents applicable to income-tax notices etc., issued in pursuance of the Indian Income-tax Act as well as to communications sent in the ordinary course to companies and not in pursuance of any Act. This is a

[Shri C. D. Deshmukh]

small amendment in pursuance of a recommendation made by the Central Board of Revenue.

Then there is a small amendment, namely amendment No. 283 to sub-clause 30 of clause 2.

Shri Heda. (Nizamabad): Clause 287

Shri C. D. Deshmukh: Sub-clause 30. Clause 2 happens to have many sub-clauses.

Three sections that are named there have crept in by mistake. There is no reference to auditor in anyone of them. The omission of the reference to these clauses therefore rectifies a clerical mistake.

Then, there is amendment No. 284 to sub-clause 40 of clause 2. This is consequential on the amplification of clause 604. It has been proposed separately to provide for the Central Government to appoint additional joint and deputy registrars.

Then, there is amendment No. 285 which is to clause 3 (1) (ii) (f). This amendment expands paragraph (f) so as to make it cover not only Part B States but also merged territories which will include some Part C States as well as territories merged in Part A States. It brings the paragraph into line with the definition of 'existing company' in the Indian Income-tax Act. Here, we should refer to clause 7A of section 2 of the Income-tax Act, which was inserted therein by Act XLI of 1954.

Then there is an amendment to clause 4, which is numbered 286. The explanation is, where the voting system in a body-corporate registered in England or some other country is different from that adopted in this Bill, it may happen that the company is a subsidiary or a holding company of the body corporate under the English or other law, but not under the Indian law. This would result in an anomaly, i.e.

the subsidiary of an English Company in England will not be treated as a subsidiary of the same company in this country. It is therefore considered desirable to make the subsidiary or holding company of the foreign body-corporate a subsidiary or holding company of that body-corporate for the purposes of this Bill also.

The last amendment in this group is amendment No. 287, which is an amendment to clause 6. It is considered desirable that first cousins should not be treated as relatives unless they are members of the same joint family.

That is all in regard to Government amendments and the amendments which Government are prepared to accept.

Mr. Deputy-Speaker: I have been just discussing with the office as to what can be done. No doubt, it will help hon. Members if this key is translated further and regular amendments which have been tabled are also reproduced in *extenso*, instead of making it necessary for every hon. Member to take up the key and also the lists of amendments, and just go on looking into them from time to time. This matter was examined, and it was found that the following difficulty arises. For instance, at present we are taking clauses 2 to 80. If as soon as the discussion on this group of clauses is started, by a particular time all the amendments come, then we can have a consolidated list. But as we go on, their children, grand-children and great grand-children are also coming in, and even at the last minute, amendments come in. If that is the position, then how can the consolidation take place? In the House of Commons they issue a first consolidated list, then second consolidated list, and then a third consolidated list. Let us see whether we also can adopt that here. I find that in practice it is not often possible for hon. Members to think of everything completely at one stage; after some discussion also, they think of some amendments. Then, we have to rule them out, if the consolidation

does not fit in. Anyhow, let us see in practice what we find. There is no intention not to enable an hon. Member to refer to these lists of amendments in a convenient manner, or to cause other inconvenience to the hon. Members on the floor of the House.

Originally, the practice was that the amendments were numbered serially only within each list, and not serially and consecutively from list to list. Thereafter, the practice of giving consecutive numbers to all the amendments has been adopted. Now, their key also has been given. Now, an addition to this key is expected, namely that the entire amendments under each clause and its sub-clauses should be printed together, so that it will enable hon. Members to refer to them without inconvenience. Certainly, that would be a good thing. But let hon. Members also think about this point as to whether, so far as this group is concerned for the present, they will stop giving amendments after a particular time, so that there will be time for preparing a consolidated list, and similarly, whether when we go to another group of clauses, they will be prepared to agree that the last day for receiving amendments to that particular group of clauses, and the last hour, last minute etc. will be a particular day, a particular hour and a particular minute. If they can agree to that, we can have a consolidated list placed in the hands of hon. Members. Let us consider that matter.

Shri T. S. A. Chettiar: This can be done; till a particular date all the amendments might be given in the consolidated list. The amendments that come later may be in separate lists. Then, again, the consolidated list may be revised. Otherwise, the discussion will become difficult.

Pandit Thakur Das Bhargava (Gurgaon): At the time when we were framing the Constitution, in the Constituent Assembly, we were following this practice. First, there was one consolidated list; then, there was another consolidated list, and so on. What is the difficulty in that? Supposing we have now got 15 lists, then these 15

can be consolidated first. If others come, they will remain separate, if they cannot be consolidated. Even that would facilitate us very much.

Now, for instance, the hon. Minister has moved many amendments. We have not quite followed what amendments he is accepting, and what his own amendments are. Personally I have seen all these amendments and I have gone through everyone of them, and so I have followed. But the House has not understood fully what amendments he has moved in his name, and what amendments he is accepting from others. Now, he has stated the numbers of his amendments. He has said that he is moving amendment No. 284. I have got to look up the list and find out what that amendment is. The next number may be 280, and the number after that may be 323. It is impossible to follow the whole thing. If the House wants a good discussion, then the only course is that we have a consolidated list, from which we shall be able to follow. Otherwise, we cannot follow at all.

Mr. Deputy-Speaker: I shall consider this.

Shri S. S. More: May I make one suggestion? The Finance Minister was pleased to give us the numbers of his amendments. To find out or search from the so-called great reservoir of amendments a particular amendment is extremely difficult. We know the fate of other amendments, and so we are not very particular about those amendments, or at least I for my part will not be very particular. But in respect of amendments which Government propose to move, and which stand in the names of other hon. Members but are going to be accepted by Government, if we are given prior intimation, we shall come prepared. As far as my hon. friend Shri C. C. Shah is concerned, I know that he simply acts as a zamins for Government. But, for all these amendments, at least prior intimation should be given saying that Government are going to accept such and such amendments. Then, we shall come prepared.

Mr. Deputy-Speaker: That is an impossible practice. What has been happening all these days is this. Hon. Members have got both the amendments as also the key circulated to them. They are expected to come prepared with everyone of them. Against amendments tabled by Government, the word 'Govt.' is also noted there in the key. If perchance on the floor of the House the hon. Minister is persuaded to accept an amendment, and in view of the volume of opinion here he decides to accept an amendment, how can he give advance intimation and say, I am going to accept this amendment?

Shri C. D. Deshmukh: I may even accept an amendment from the opposite side; I do not know.

Shri S. S. More: I am not so optimistic.

Mr. Deputy-Speaker: Every hon. Member is expected by himself or with a group of other hon. Members, to read everyone of the amendments that have been tabled, and in respect of which a key has been given, besides the original amendment lists that have also been circulated. I do not think it is easy if hon. Members ask the Finance Minister to say in advance what amendments he is going to accept. That is rather difficult.

So far as the preparation of the consolidated list is concerned, I shall consider; I shall discuss it with the office and the Hon. Speaker, and if it is possible to enable hon. Members to have it, we shall see that it is done. For the present, let us get along with this.

Shri C. D. Deshmukh: These are in a consolidated form, because my amendments are from amendment No. 245; 245 follows 244, and it goes on serially up to 267. They are all there in one lump. So, with reference to what Pandit Thakur Das Bhargava has said...

Pandit Thakur Das Bhargava: So far as I am concerned, I have followed, for I have looked into every amendment. But it is rather difficult for every Member to follow.

Mr. Deputy-Speaker: Other Members also will be equally able to follow.

Shri C. D. Deshmukh: I am really announcing a numerical truth that if you begin with 245, you go on till 267. On that, I have made a very short statement. They are all small amendments because they are in various lines; and the other lot of amendments is from 282 to 287. That is, again, in another place. That cannot be any worse than if you had the consolidated amendments; they would just stand out in exactly the same form before hon. Members. So that it requires a little previous study of the amendments if the commentary on them is to be followed, but if hon. Members look at them while I read 245 to 267, of course they will never be able to follow.

Mr. Deputy-Speaker: We are now proceeding with all the amendments to clauses 2 to 10.

Dr. Krishnaswami (Kancheepuram): May I make a submission? Clauses 2 to 10 deal with definitions. They may be taken up after we have disposed of the other clauses, the substantive clauses.

Mr. Deputy-Speaker: What are they?

Dr. Krishnaswami: From Part II onwards, because here the meanings of terms are given.

Mr. Deputy-Speaker: The hon. Member is a little too late. All hon. Members who have spoken so far have pinned their faith on this group of clauses, 2 to 10, as if this is the very soul of company law, and they have allotted five hours for it. The other clauses have been thrown to the background.

Shri Tulsidas: I have amendments to the following clauses: clause 2—amendments Nos. 147, 148, 149, 150, 151, 152, and 153; clause 5—amendment No. 154 and clause 6—amendment No. 156. That covers most of the clauses excepting clause 7 which I wanted to delete by an amendment.

But that amendment has not been admitted, because I was told that I could oppose the whole amending clause, and there could not be an amendment to delete a clause. But I wanted to delete clause 7, though they have not accepted my amendment.

[SRI BARMAN in the Chair]

It is rather difficult for me to go into all the different aspects. I would first like to deal with amendments 147 to 150 relating to clause 2. Regarding clause 7, I will speak afterwards. Amendments Nos. 147 to 150, relate to the question of relatives. My amendments seek to exclude relatives from the definition of 'associate'. I would like the hon. the Finance Minister to mark that I am not opposed to associates, but I am trying to see that relatives are excluded from the scope of 'associates'. On the recommendation of the Company Law Committee, the term 'associates of managing agents' was introduced in the Indian Companies (Amendment) Act 1951. The aim of the Committee in including the associate of managing agents in the Bill was to extend certain disabilities which are imposed on managing agents to their associates. In para 28 of the Report of the Company Law Committee, it is said:

"The need for the definition of 'associate of a managing agent' arises from the fact that experience has shown that if the provisions of the Indian Companies Act relating to managing agents are to be adequately enforced, it is necessary to close the loophole, now provided by this category of persons. For, it is obvious that it is no use laying down restrictions on some particular activities of managing agents, if they can be legally carried on through the agency of their 'associate'."

These restrictions and disabilities will relate mainly to investigation of the affairs of the associates, appointment of the associates as buying and selling

agents for the company, contracts between the company and the associates and the grant of loans to the associates.

The clauses affected in this connection are as follows: clauses 2, and 88(2) (c) which relate to existing disproportionate voting rights not being exercised in case of loans to bodies corporate; clause 238—investigation of the affairs of the associates; clause 239—power to require production of documents; clause 240—Inspector's report; clause 241—prosecution on inspector's report; clause 242—application for winding up; clause 244—recovery of expenses of investigation; clause 246—investigation of ownership; clause 248—investigation regarding association with managing agent; clause 306—register of directors' shareholdings; clause 356—appointment as selling agent prohibited in India; clause 357—sale and services; clause 358—appointment as buying agent prohibited in India; clause 359—payment of commission from other persons; clause 360—contracts between company and associate; special resolution required for every contract; clause 361—existing contracts to cease; clause 363—remuneration in contravention of above to be held in trust; clause 369—loans absolutely prohibited; and clause 371—penalty.

In the original Bill, the recommendation of the Bhabha Committee as regards the definition of 'associate' was accepted. However, the Joint Committee reconsidered the definition and included within it a group of other persons including relatives, who will now be subject to the disabilities and liabilities mentioned above. The definition of 'associate' is so wide that a person may become the associate of another even without his knowing it or without he himself having anything to do with it or without his having any business connections whatsoever with his co-associates. This may lead to absurd and anomalous situations. The circle of associates of a person still fluctuates with domestic events like births, adoptions, deaths and marriages, with changes in shareholding and of partnership shares and with appointment or retirement of directors, managers or managing

[Shri Tulsiidas]

agents or secretaries or treasurers. However persons who are not associate to start with might become associates later on by virtue of marriages or the events mentioned above. This would create an embarrassing situation.

What many be argued is whether this Bill intends to continue in normal times, abnormal-time measures brought in to meet abnormal circumstances, imposing disabilities and thus encroaching upon the rights of a wide group of persons connected with the managing agents to whom alone the disabilities applied originally. The provision seems to be based on the doctrine of guilt by association and tends to restrict an individual's freedom to carry on trade.

I would like to point out and also request the hon. Finance Minister to take into consideration the fact that, after all, the companies which are functioning in this country are not all companies which are manufacturing concerns but there are also companies which have trade and other activities. Therefore, one has to consider that this definition has to apply also to other companies which have other types of activities apart from manufacturing activities. Such conditions will have the effect of preventing an individual managing agent from becoming a partner of another concern as, in such cases, the firm and the other partners of the firm will be prevented from acting as buying agent or selling agent for the managed company or obtain loans from it. The inclusion of the body corporate in the category of associates is most undesirable. And, it denies the legal distinction between a body corporate and its shareholders. Even when the individual managing agent has a small shareholding in a body corporate, his partners' and relatives' shareholding may be such as to constitute the body corporate in the category of his associates. One result will be to reduce the marketability of shares of such a body corporate by eliminating the individual managing agent, his partners and relatives as a source of demand for such

shares lest they impose disabilities on an associate of the body corporate.

I would like the hon. Finance Minister to take into consideration our Constitution. The extension of the original definition to include relatives and other categories of persons is likely to violate, in my opinion, article 19 (1) (g) in so far as it lays down that a person should be allowed to carry on his trade and that under the definition now proposed an associate will be prevented from becoming a buying or selling agent of the company because he is not allowed to be remunerated for such service. I would ask the Finance Minister to see the article. Article 19 (1) says—

"All citizens shall have the right—"

and (g)—

"to practice any profession, or to carry on any occupation, trade or business."

"(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and in particular, nothing in the said sub-clause, shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—

(i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise."

That is what I feel; I am not a constitutional lawyer.

Shri A. M. Thomas (Ernakulam):
More than a lawyer.

Shri Tulsidas: As a layman, I consider that you violate this article, 19 (1) (g).

The relationship itself should not be a ground for imposing a disability. The definition, without the inclusion of the word 'relative' is in itself quite broad-based to cover cases of identity of financial or business interests. Under the categories mentioned earlier in the definition, all relatives having business and financial connections are automatically included.

My point is that those relatives who have any connections in business or finance will be automatically included as associates of the managing agent. Simply because he is a relative, why should he be roped in and have all the disabilities of the law? There is little justification for roping in a relative. It was also the intention of the Bhabha Committee that such relatives should not be made subject to disabilities and liabilities imposed on associates. In a schedule to the draft of the section on the general powers of the managing agents given on pages 367 and 368, the Bhabha Committee has drafted only the following disabilities for relatives. The managing agent shall only exercise the following powers to the previous partner of the directors of the company—the power to engage on behalf of the company any person who is a relation of any director or of any partner of the managing agency, company or firm or of any director of the managing company. This recommendation was amplified in the original Bill in schedule VII where powers of managing agents were to be enumerated. The restriction in the original Bill was as follows:—

"The managing agent shall not exercise any of the following powers except after obtaining the previous approval of the directors of the company in regard to such exercise:—

.....Power to appoint as an officer or member of the staff

of the company payable from its funds (as distinguished from the funds of the managing agent or out of any remuneration payable to him by the company) any person who is a relative of the managing agent, or where the managing agent is a firm, of any partner in the firm, or where the managing agent is a private company, of any director or member of such company."

That was the restriction which was in the original Bill. In an Explanation, 'relative' was defined in the same way as in clause 6 of the present Bill. What the Joint Committee did was to include relatives in the list of associates and shift the entire definition of the "relative" from the schedule to that.

I may again, with your permission, refer to the Constitution, article 16, which provides as follows:—

"(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State."

Shri S. S. More: The company is under the State.

Shri K. K. Basu: I wish Shri Tulsidas surrenders all his property to the State.

Shri Tulsidas: I said I am not a lawyer as my hon. friend is. I am trying to say that the spirit of all these things is so wide; the Government has wide powers, in the approval of managing agents etc. So, the Government is more or less creating these restrictions and discrimination against the relative because he is a relative and not because of anything else.

Shri Syamchand Sahaya (Muradpur Central): He becomes a relative by descent.

Shri Tulsidas: If it is proper in the case of State that relationship should not be a bar to appointment, may I know why relationship is considered to be such a bar in the case of private employment? (Interruption). If relationship is not a bar in government service, naturally, it should not be applicable to the private sector also.

Shri C. D. Deshmukh: Nobody is related to Government.

Shri Tulsidas: To the Minister anyway...I only say that the managing director or a manager is an individual; similar is the case of the Minister....

Shri Syamnandan Sahaya: The Minister being the managing agent of the Government.

Shri Tulsidas: After all, the Cabinet is something like a board of directors.

Shri Asoka Mehta: What about the secretaries and treasurers?

Shri Tulsidas: The Secretary is a manager and just as a manager is now given the disabilities, in that his relatives will have all these disabilities because he is a manager of a particular company, a secretary or a joint secretary of any department of Government, whether at the Centre or the State, will have the same disabilities. If this is applied to private employment, the definition as it stands now, especially when we take into account the other amendments suggested by other Members of the House, is so wide that it will be necessary to entrust such important functions as buying and selling to outsiders, a consequence which may not be in the interest of the company itself. I, therefore, suggest that relatives be excluded from the definition of associates.

I would like again to point out to the hon. Finance Minister, as I pointed out earlier, that different clauses will apply and these disabilities will be put on a relative merely because he is a relative. Take for example clause 238 dealing with power to require production of documents. Merely because he is a relative, he will be

subjected to this limitation. He may not have any business whatsoever; he may be entirely a student; but because he is a relative he has to produce documents to the investigating inspector. They may be father and son who may be living entirely separately and perhaps brothers may be living entirely separately, but simply because he is a relative, why should he be subjected to this sort of treatment in the law? Similarly, in investigation why should that be so? Unless and until he is associated with the managing agent of the company in any way whatsoever, why should he be subjected to this treatment because of his being a relative? Why should there be any disabilities for a relative as long as he is not related to any one of the companies? For instance, a relative may be doing some business in Calcutta and the company may be in Bombay, and still because of the fact that he is a relative, you will not allow a certain legitimate business which he may be doing. Or again he may not have any connection with the company and the company may have gone into liquidation; why should that person staying in Calcutta, merely because he is a relative, be subjected to these disabilities?

I would go further. Supposing a person is a relative or a distant relative of a manager of a managing agency firm or a company of which there is a managing agent, then that manager's relative will also be hounded out, whether he is a relative or not, according to the definition. I cannot understand how these disabilities can apply merely because he is a relative. As I pointed out, those who have any connection with the company, under the different definitions, will be roped in. Why should a relative be included in the definition of associates? That is where I object.

As regards my amendments Nos. 149 to 151, this explanation of associates is not contained in the 1913 or 1951 Act, or in the Bhabha Committee Report or in the original Bill. None of these has ever put this explanation.

The explanation brings within its scope a few additional categories of associates which would not otherwise be covered by the definition. Thus it ceases to be an explanation and becomes an extension of the definition. This can be seen from the following instances:

(1) Where a private company is a managing agent, under sub-section 3(d), every member of the company is its associate where such member is a managing agent, under sub-section 3(a), only those private companies of which he is a director or manager become his associates and those private companies of which he is a member only will not become his associates.

But the explanation will make each private company of which managing agent is a member, the associate of such member though such member may not be a director of the company.

(2) Under sub-section 3 (c) every director of the body corporate is its associate. Where such director is himself a managing agent, under sub-section 3 (a), only those bodies corporate will be his associates in which, he along with his partners holds majority interest.

The effect of the explanation will be to make such body corporate the associates of directors even though the director together with his partners does not hold one-half of the total voting powers.

I pointed out that this explanation is not an explanation but is an extension of the definition, and to that extent I feel that this explanation is not necessary, because if you want to expand the scope of the definition, it should have been included in the definition, and I do not see any reason, when the Government or the Select Committee had no desire to include it there, why this extension should be made by way of an explanation.

Then I come to the question of the definition of debentures. Before I do so, I would like the hon. Finance Minister to realise the amount of difficulties which will normally take place if the definition of associates includes relatives. It will unnecessarily create more hardships on companies which will find it difficult to carry on their day to day work. I would like him also to realise the human factor. If a person has to do a certain amount of business, in whom he will have more confidence? Will he be a stranger or a relative? Therefore, as long as there is no question of any *mala fides* by which a relative is not coming in the way of normal working, why should the fact of his being a mere relative be a bar to him? I cannot understand this. After all, the human factor is that if I have to entrust a certain amount of work I will entrust it to persons whom I know and I will not entrust it to strangers. Here, by this definition, I will not be able to entrust my work of selling and buying, which is the most important thing, to a stranger. If a stranger creates trouble it does not matter, but the person should not be a relative—I cannot understand this. But as long as the company does not suffer, as long as the company's functions and he does work in the interests of the company, what is wrong in his being a relative? I do not understand this thing, namely, that merely because he is a relative, he must not be employed in the company. The definition of a relative goes so wide that it covers grandparents of Indian descent, full blood, half blood, legitimate and illegitimate, etc. I would request the hon. Finance Minister that before he agrees to this definition being included, he should take notice of all these facts. After all, there are 30,000 companies and we want to grow more number of companies in this country. Is it possible even for any one to realise that in the 30,000 companies a relative of a manager, director or partner, has been given a certain amount of work in any part of India? if there is an appointment according to this provision you have got to take

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the approval of the board of directors. But one does not know whether one is a relative of the manager. How does anybody come to know whether a particular person employed is a relative of a manager. The latest amendment of the Finance Minister has gone much further. They have included the word 'Manager or director'. In every place, relative has been put in and defined. It will hinder the day-to-day working. There is no question of *malā fides* as I said in the consideration stage. I have no sympathy for such people who are out to do certain things. I do not want the companies to have this unnecessary handicap which would affect the normal day-to-day working and I do want the Finance Minister to consider this question very seriously. I shudder to think even if I were to approve of an appointment of a person of enquiring whether a person is a relative of the manager or not. He may be a distant relative of the manager. How am I going to find out? It is difficult for anybody to find out with the definition that we have got. I would therefore like him to seriously consider this because this is going to be a great hardship for the day-to-day working of the *bona fide* companies.

I would then come to the definition of 'debentures'. If I had to go over the amendments which I have given for all the ten clauses, I would like to deal with a number of aspects. But I would now come to my amendment No. 152. I want this definition to be something as it was in the previous Act. It has been there for all these years. Under the 1913 Act, debenture includes debenture stock. The Bhabha Committee recommended in para 27 practically the same thing. They reviewed the above definition. They appreciated that the debentures may constitute a charge on the assets of the company or they may be such a charge. Following the U.K. Act, the Company Law Committee, therefore suggested that the definition of the debenture may be reconsidered to include debenture stock, bond and

other securities of a company whether constituting a charge on the assets of the company or not. The definition provided in the proposed Bill is on the lines of the above recommendation. But, the definition gives rise to the following practical difficulties which the Bhabha Committee failed to appreciate when they blindly recommended the U.K. definition. The wide scope implicit in the words 'other securities' may include short-term borrowings from banks in the ordinary course of business, secured by hypothecation of goods. Further in the above circumstances, the debentures issued by a company will rank next in point of time, that is, rank second in priority after the bank loan secured by such hypothecation. But the Insurance Act provides, vide section 27(a)(i) that the insurance companies can keep their funds invested in debentures only if they are first debentures secured by a floating charge on its assets. As most companies issuing debentures may have borrowed money from the bank secured by hypothecation of stock, this would preclude the insurance companies from investing in the debentures which rank next in respect of the charge over assets. The debentures will thus not attract investment, as I have said, from the insurance companies, which otherwise provide the main source from which the companies can hope to obtain their long-term finance.

It is also to be remembered that in many places, where the word 'debenture' has been used in the Bill, it is apparent that the wide connotation proposed to be given in the definition will not be appropriate. The words 'other securities' can bring within their purview hypothecation of stocks or of consumable stores or of book debts and a loan even without a security. The clauses where in regulation for debenture is provided in the Bill cannot have application to the above instances as is apparent from the following clauses, namely, clause 102 relating to transfer of debentures by

instrument of transfer, clause 145 relating to register of debenture holders, clause 232 giving power to investigate ownership of debentures, clause 379 giving time-limit for issue of debentures and clause 380 giving right to holders of debentures to get accounts. In none of these contexts it is desired to include short-term loans etc. within the category of debentures.

The existing definition as it stands in the present Act has not given rise to any difficulty and the amendment therefore seeks to provide a more concise definition by deleting from the proposed definition the words 'other securities whether constituting a charge on the assets of the company or not, so as to read as: 'debenture includes debenture stock and bonds'. For all these years, there has been no difficulty and just because of the U.K. Act you want to have a change. I request the Finance Minister to consider whether it is necessary to make these changes and also whether it is desirable.

I now come to clause 5. I have given notice of an amendment No. 154. There has been no provision in the 1913 Act nor in the 1951 amending Act. The U.K. Act contains only the latter part, that is, 'who knowingly and wilfully authorises or permits such default, non-compliance, failure, refusal or contravention.' The Bhabha Committee had made no recommendations. In the original Bill, in both cases, that is, where an officer does a thing and where he authorises a thing to be done, he was, knowingly, though not wilfully, guilty. In the Joint Committee, the word 'wilfully' was added to the latter part of the definition. That is the position with regard to this particular clause. There does not exist any definition in the present Act specifically describing as to what constitutes 'officer in default'. But wherever any offences are involved it provides somewhat as follows. If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding so much rupees for every day during which the default continues

and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to a like penalty. The Bhabha Committee did not make any recommendation for the revision of this provision. The U.K. Act defines 'officer in default' in specific terms:

"For the purposes of any enactment in this Act which provides that an officer of a company who is in default shall be liable to a fine or penalty, the expression 'officer who is in default' means any officer who knowingly and wilfully authorises or permits the default, refusal or contravention mentioned in the enactment."

This definition as prevalent in the U.K. Act purports to include only those points which exist in the present Act, that is, knowingly and wilfully authorising or permitting the default.

It is strange that the drafters of the original Bill somehow thought that the officers had no will, discretion or sense of judgment, and provided curiously enough as follows:

"Officer in default means any officer of the company who is knowingly guilty of the default, non-compliance, failure, refusal or contravention mentioned in that provision or who knowingly authorises or permits such default, non-compliance, failure, refusal or contravention."

Thus the original Bill unnecessarily created two categories of officers: (1) officers knowingly guilty of default, and (2) officers knowingly authorising or permitting such default. This distinction is superfluous. At the Joint Committee stage it has been provided that officers guilty of offences shall be considered 'officers in default' when they are knowingly guilty, while officers who authorise or permit such default shall be considered 'officers in default' only in case they authorise or permit it knowingly and wilfully.

I cannot understand the reason which has motivated the Joint Com-

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mittee to deprive the persons who do a thing on the defence that they had not done the thing wilfully. Does it mean that a subordinate officer who may be required to do a thing against his will, on instructions from his superiors, may be considered 'officer in default' when he does it only knowingly while the superior officer who authorises or permits such offence comes within the definition of 'officer in default' only when he does authorise or permit knowingly and wilfully.

It would have been much better if the definition as given in the U. K. Act had been reproduced in the Bill. However, if, for any reasons, it is thought necessary to keep both the categories i.e. 'officers who are guilty of default' and 'officers who authorise or permit such default', let the former category be also considered, in the name of fairness, to be held in default only when the default is made knowingly and wilfully.

The amendment seeks to provide for a fair treatment in all cases of offence.

The Bill is now being made replete with penal provisions at every stage and it is necessary that the Members of the House bring an impartial and judicial outlook to bear on the examination of this question. I have no doubt, that this House which prides itself on the establishment of equality of consideration in such wide and multifarious directions will not allow the Bill to be distorted by such arbitrary and illusory distinctions.

Sir, I would like the hon. the Finance Minister to know—he knows, of course—that this definition has been included because of the U. K. Act. If we are following the U. K. Act, then why make this change? In the U. K. Act—we have got the words 'knowingly' and 'wilfully'. Why do you now change at some places the word 'knowingly' and remove the word 'wilfully' at some places? I do not see any reason even though the reasons which I surmise may be that because we have got a peculiar system of managing agents.....

Shri U. M. Trivedi (Chittor): This is only to save you and not to trap you.

Shri Tulsidas: I feel that there should be both 'knowingly' and 'wilfully'.

Shri Syamnandan Sahaya: God save us from our friends;

Shri Tulsidas: Then I come to clause 7—Interpretation of "person in accordance with whose directions or instructions directors are accustomed to act".

Shri C. D. Deshmukh: What is the amendment?

Shri Tulsidas: I am opposing this clause and I say that this clause should not be there. This was not there in the 1913 Act and it was also not there even in the 1951 amending Act. The U.K. Act contains section 455(2) and the Bhabha Committee's recommendation is contained in paragraph 13. This term "person in accordance with whose directions or instructions or instructions directors are accustomed to act" is not contained in the U.K. Act and the 1951 Act; but there is only one specific instance where it is used. The Bhabha Committee has recommended its introduction in the Company Law. With regard to grant of loans to directors the Committee has recommended that the prohibition in regard to grant of loans to directors may be extended to other persons who are accustomed to act in accordance with directions or instructions of superiors. The original Bill, however had gone beyond this specific recommendation by introducing this system in six other clauses of the Bill. They are: clause 161—penalty and interpretation; clause 202—power to restrain fraudulent persons from managing companies.

Shri C. D. Deshmukh: Does the hon. Member want to deprive the professional adviser the protection that is sought to be given by clause 7? If that clause is omitted that would be the effect of it.

Shri K. K. Basu: There would be subsequent amendments also.

Shri Tulsidas: I am opposing the entire clause. I will presently explain why I am opposing it.

Pandit Thakur Das Bhargava: That clause saves certain people.

Shri Tulsidas: In clause 161 the penalty which is provided for directors is sought to be extended to certain other members.

Shri C. C. Shah: What is pointed out is that it is not a definition. It merely excludes.....

Shri Tulsidas: I want to oppose the entire clause.

Shri C. D. Deshmukh: If the hon. Member removes the other references to 'persons accustomed to act in accordance with instructions and so on' then the removal of clause 7 will be a consequential amendment. Therefore, the hon. Member need not speak on clause 7 by itself because that only gives protection to the professional adviser.

Shri Tulsidas: My point is that the Company Law should be limited to controlling the activities of persons engaged in the management of companies. The principle behind the introduction of a category of persons accustomed to act on instructions is to extend the operation of the Company Law to other persons.

Shri N. C. Chatterjee: But by omitting clause 7 you really avoid the immunity which is being given by it.

Shri C. D. Deshmukh: That is what I am pointing out.

Shri Tulsidas: Then would you like me to take up this question when the other clauses come up?

Shri C. D. Deshmukh: If you succeed in getting these words removed somewhere else then only you can point out that clause 7 may be omitted; otherwise you are taking away the immunity that is provided in this clause.

Pandit Thakur Das Bhargava: Supposing this clause is passed then the House is committed to the principle.

Shri Tulsidas: Then how can I move any amendment to the other clauses once this definition is accepted? Therefore, what I am trying to say is that today, if the hon. Minister is agreeable to put off this clause until the other concerned clauses come up, then I am willing to accept it; otherwise, if this particular clause is passed I am completely debarred from moving any amendment to clauses where this particular reference is made. Unless we consider the implications of this clause it will be difficult for me to enumerate the difficulties that this clause will create. I would request him to consider whether it would not be advisable, therefore, to keep this clause pending until we take into consideration those clauses wherein this particular expression or definition is used. Wherever it is necessary that this should be included I am prepared to do it. If today, at this stage I do not oppose it, then it will not be possible for me to move any other amendment to other clauses. That is my point.

Pandit Thakur Das Bhargava: We can give him that accommodation, Sir.

Mr. Chairman: The hon. Member wants that this particular clause be deferred for the present. I think it can be done. Is there any objection?

Shri C. C. Shah: What I was pointing out was that if substantial amendments to substantial clauses are accepted by the House, namely, that wherever these words occur they may be deleted, then the removal of this clause becomes a consequential amendment. If those words are deleted, then the provision of this clause is unnecessary.

Pandit Thakur Das Bhargava: Supposing this clause is passed, then the House will be committed to the principle; but, at the same time we have always accepted this principle that when a clause comes up, it will be open to the hon. Member to say that these words be taken away and this

[Pandit Thakur Das Bhargava]

particular clause, as a consequence will go off. But then the Chair would assure him that this would be the case. That is all. He cannot be debarred from discussing all these clauses.

Shri N. C. Chatterjee: What I say is, this is merely a definition: "Person in accordance with those directions or instructions directors are accustomed to act". Wherever these words occur, that interpretation will have to be put on those particular words in this particular part of the statute, but supposing you do not pass that clause, naturally this will become obsolete.

Shri C. D. Deshmukh: That can apply to all the definition clauses. Supposing you remove the words "associate" from all the subsequent clauses, what will you do, having accepted the definition of 'associates'? Then it will remain an otiose kind of definition which has no counterpart in the substantive part of the law. I should say that there should be some provision by which one can consider this as a consequential amendment.

Mr. Chairman: It will merely be a consequential amendment.

Shri C. D. Deshmukh: On the other hand, if the meaning is sought to be imported that by accepting or rejecting this clause we are committing ourselves to the substance of the other clauses, then he is asking us to do too much, because we have not given our mind to those other clauses. The consequences of 'accustoming to act' in accordance with the advice, is a substantive matter which must be considered in the context of the relevant part.

Shri S. S. More: I think we should have elasticity of procedure.

Shri Tulsidas: Yes; we must have elasticity of procedure.

Mr. Chairman: I agree with what Shri Chatterjee has said. We are now

passing this definition. Supposing, later on, we do not pass any substantive clause to which this definition applies, then it automatically goes. So, the discussion on that point need not be deferred.

Shri C. D. Deshmukh: The only thing to be decided is, do we agree to the principle of immunity conferred on the professional adviser or not. That is the rather narrow point to be considered here.

Shri N. C. Chatterjee: If we take the other view, then we should postpone the whole of the definition clauses. Take, for instance, the managing agent. We might decide to abolish managing agent in any sector.

Mr. Chairman: Shri Tulsidas may pass on to the next argument.

Shri Tulsidas: I would like to ask the hon. Finance Minister how this definition will be applied, namely, "accustomed to act". Take, for instance, the manager of the Sindri Fertiliser Company. Will he be considered to act "as a person accustomed to act"? Look at the vagueness of this clause. Will a person who is managing a particular show, or company, which is a public enterprise, be considered to act or be "accustomed to act"? Is he to be taken as a person accustomed to act because of a particular enterprise under a particular Ministry? It will be very difficult. It is so vague and we have to consider also the different other clauses in which these words occur. I will come to those clauses at the time when those clauses come in. I personally feel that this clause is so vague. It should be so worded that it should not have so much of this vagueness. I say only this much at this stage. When the particular clauses come, I will say how this will affect those clauses.

Shri U. M. Trivedi: What the hon. Finance Minister has said has got great force in it. Does my hon. friend

wish to suggest that he does not want immunity? We have not been able to gather anything from his point. If he wants immunity to be there, then all the other clauses will be affected.

Shri Tulsidas: I was just explaining clauses 161, 202, 302, 304, 309 and 597. Clause 597 also refers to the directors of companies and the phrase 'accustomed to act'.

Mr. Chairman: May I enquire so far as this definition is concerned, is it not possible for us to postpone it for the present? What is the harm?

Shri Asoka Mehta: We are only discussing the immunity, and not the definition as such.

Shri N. C. Chatterjee: By passing this clause you are committed to the acceptance of the other clauses. Once that is made clear even if this is passed, it is tantamount to the House adopting substantive clauses for this expression. Logically, this should come later.

Mr. Chairman: Shri Tulsidas may go on. It will be decided tomorrow.

Shri Tulsidas: Up to clause 10, I have these amendments, and I have no amendments on any other clauses. I have dealt with quite exhaustively on the amendments to these clauses which I have moved, and I would request House to consider the different implications which I pointed out. Merely because there has been a certain amount of abuse which has taken place, we should not generalise this sort of abuses. Obviously, we are carried away that by putting this in a particular clause in a particular manner, those abuses will be stopped. As I said even at the time of the consideration stage, abuses can only be stopped if the administration of the Act is properly done. I am afraid that the Act is now becoming so complicated and complex that I do not know whether the person who has to administer this Act will find it so easy to administer. He will not find it so easy and he will find it difficult to administer the Act in the manner that he would be required to administer it.

As I said, one has to consider this law not from the point of view of making this law a bureaucrat's paradise and the lawyer's delight. I would like the Finance Minister to realise this one aspect. After all, even Lord Keynes' has said that tyranny of the bank barons is preferable to political tyranny. I only hope that this law will not become a political tyranny, instead of creating some sort of better law and administration and a better way of working the law. I do feel that it is necessary that in the matter of relatives and similar other definitions, the Bill requires modification resulting in a much better way of understanding things, and so that the people will be able to follow it well. I would like the Finance Minister to take this aspect into account.

Shri T. S. A. Chettiar: There are just a few minutes left for the House to rise, and I hope that the large number of points that I have to make will be made tomorrow. Today, I would like to say just this much. This definition of "associate" in relation to a managing agent is really a very important matter. Perhaps this is one of the most important clauses in this Bill. It tries to rope in many people who were till now free, and as the Bhabha Committee has reported, many of the abuses of the managing agents have been that they tried to make money in other people's name, who have been closely related to them, and that has led to the definition and expansion of this meaning of 'managing agents'. But in speaking on this amendment I would like to refer to one Government amendment that has been tabled recently, and that is amendment No. 260. In that amendment, not only any partner or relative of any director is an associate, but also the manager or relative of any manager becomes an associate.

Mr. Chairman: Shri Chettiar may continue tomorrow. Let me make the announcement regarding the amendments, taken as moved.

The following are the amendments to Clauses 2 to 10 of the Companies Bill, which the hon. Members have

[Mr. Chairman]

intimated to be moved subject to their being otherwise admissible:

Clause No. No. of amendments.

2. 63, 64, 245 (Govt.), 246 (Govt.), 13, 247 (Govt.), 248 (Govt.), 322, 323, 249 (Govt.), 250 (Govt.), 251, (Govt.), 252 (Govt.), 253 (Govt.), 147 (same as 253), 254 (Govt.), 255 (Govt.), 256 (Govt.), 324, 257 (Govt.), 258 (Govt.), 259 (Govt.), 148 (same as 259), 260 (Govt.), 325, 326, 327, 328, 329, 149, 261 (Govt.), 262 (Govt.), 263 (Govt.), 330, 331, 264, (Govt.), 265 (Govt.), 266 (Govt.), 150 (same as 266), 332, 267 (Govt.), 333, 334, 91, 335, 336, 337, 151, 152, 65, 282 (Govt.), 92, 93, 29, 283 (Govt.), 66, 284 (Govt.), 153, 14, 343, 344.
3. 285 (Govt.), 30, 93 (same as 30).
4. 350, 95, 286 (Govt.).
5. 154, 351, 352.
6. 96, 155, 287 (Govt.).
8. 15.
9. 68.
10. 69, 16, 17.

Clause 2.—(Definitions).

Shri Rane: I beg to move:

Page 1,

for line 14, substitute:

"additions, omissions and modifications".

Shri M. S. Gurupadaswamy: I beg to move:

Pages 1, 2 and 3,

omit lines 24 to 33, lines 1 to 54 and lines 1 to 10 respectively.

Shri C. D. Deshmukh: I beg to move:

(1) Page 1, sub-clause (3),

in line 29, after the word "partner" insert the words "or relative".

(2) Page 1, sub-clause (3),

in line 30, after the words "such individual" insert the words, "partner or relative".

Shri U. M. Trivedi: I beg to move:

(i) Pages 1 and 2, lines 31 to 33 and lines 1 to 12 respectively,

omit all the words after the word "partner";

(ii) Page 2,

omit lines 13 to 34;

(iii) Page 2,

omit lines 35 to 54;

(iv) Page 3,

omit lines 1 to 10; and

(v) Pages 3 and 4,

omit lines 11 to 51 and lines 1 to 9 respectively.

Shri C. D. Deshmukh: I beg to move:

(1) Page 1, sub-clause (3),

in line 33, after the words "any such partner" insert the word "relative".

(2) Page 2, sub-clause (3),

in line 3, after the word "manager," insert the word "and".

Shri K. K. Basu: I beg to move:

(1) Page 2 line 5,

for "one-half" substitute "one-third".

(2) Page 2, line 9,

after "individual" insert "and/or any of his relatives".

Shri C. D. Deshmukh: I beg to move:

(1) Page 2, sub-clause (3),

in line 10, omit the words "any such".

(2) Page 2, sub-clause (3),

in line 10, after the words "partner or partners" insert "relative or relatives".

(3) Page 2, sub-clause (3),

in lines 10 and 11, omit the words "and any such".

(4) Page 2, sub-clause (3),

in line 11, after "firm or firms;" insert "and private company or companies;"

(5) Page 2, sub-clause (3),

in lines 11 and 12, omit the words "and any relative of such individual;"

Shri Tulsidas: I beg to move:

Page 2, lines 11 and 12,

omit the words "and any relative of such individual;"

Shri C. D. Deshmukh: I beg to move:

(1) Page 2, sub-clause (3),

in line 16, after the word "partner" insert the words "or relative".

(2) Page 2, sub-clause (3),

in lines 17 and 18, after the words "any such member" insert the words, ", partner or relative".

(3) Page 2, sub-clause (3),

in line 21, after the word "partner" insert the word ", relative".

Shri K. K. Basu: I beg to move:

Page 2, line 26,

for "one-half" substitute "one-third".

Shri C. D. Deshmukh: I beg to move:

(1) Page 2, sub-clause (3),

in line 32, after the words "partner or partners" insert the words "relative or relatives".

(2) Page 2, sub-clause (3),

in line 33, for the words "and other firm or firms" substitute the words "other firm or firms and private company or companies;"

(3) Page 2, sub-clause (3),

in lines 33 and 34, omit the words "and any relative of any such member".

Shri Tulsidas: I beg to move:

Page 2, lines 33 and 34,

omit the words "and any relative of any such member".

Shri C. D. Deshmukh: I beg to move:

Page 2, sub-clause (3),

In line 44, after the word "thereof;" insert the words "any partner or relative of any such director or manager; any firm in which such director, manager, partner or relative, is a partner;"

Shri C. C. Shah: I beg to move:

Page 2,

(i) line 38, before "any subsidiary" add "(i)";

(ii) line 44, after "thereof," insert "any partner or relative of any such director or manager; any firm in which such director or manager, partner or relative, is a partner;" and

(iii) for lines 45 to 54, substitute—

"(ii) any other body corporate at any general meeting of which not less than one-half of the total voting power in regard to any matter may be exercised or controlled by any one or more of the following, namely, the body corporate and the companies and other persons specified in paragraph (i) above; and".

Shri K. K. Basu: I beg to move:

Page 2, line 54,

add at the end "or any body corporate in which any member of, or any person connected with the Managing Agents is a director and".

Shri C. C. Shah: I beg to move:

Page 3, lines 2 and 3,

after "private company" add "or a body corporate having not more than fifty members".

Shri K. K. Basu: I beg to move:

Page 3, line 6,

add at the end "or any relative of the member".

Shri C. C. Shah: I beg to move:

Page 3, line 6,

add at the end "or body corporate".

Shri Tulsidas: I beg to move:

Page 3,

omit lines 7 to 10.

Shri C. D. Deshmukh: I beg to move:

(1) Page 3, sub-clause (4),

in line 16, after the word "partner" insert the words "or relative".

(2) Page 3, sub-clause (4),

in line 18, after the words "any such member" insert the words "partner or relative".

(3) Page 3, sub-clause (4),

In line 21, after the word "partner" insert the word "relative".

Shri K. K. Basu: I beg to move:

(1) Page 3, line 26,

for "one-half" substitute "one-fourth".

(2) Page 3, lines 30 and 31,

after "members" insert "and/or, any relatives thereof".

(1) Page 3 sub-clause (4),

in line 31, after the words "partner or partners" insert the words "relative or relatives";

(2) Page 3, sub-clause (4),

in lines 31 and 32, for the words "and other firm or firms" substitute the words "other firm or firms, and private company or companies";

(3) Page 3, sub-clause (4),

in lines 32 and 33, omit the words "and any relative of any such member".

Shri Tulsidas: I beg to move:

Page 3, lines 32 and 33,

omit the words "and any relative of any such member".

Shri K. K. Basu: I beg to move:

Pages 3 and 4,

omit lines 34 to 51 and 1 to 6 respectively.

Shri C. D. Deshmukh: I beg to move:

Page 3, sub-clause (4),

in line 42, after the words "holding company thereof," insert the words "any partner or relative of any such director or manager; any firm in which such director or manager, partner or relative, is a partner;"

Shri C. C. Shah: I beg to move:

Page 3,

(i) line 37, before "any subsidiary" add "(i)";

(ii) line 42, after "thereof," insert "any partner or relative of any such director or manager; any firm in which such director or manager partner or relative, is a partner;"; and

(iii) line 42, before "any" insert "(ii)" and for lines 43 to 51, substitute—

"other body corporate at any general meeting of which not less than one-half of the total voting power in regard to any matter may be exercised or controlled by any one or more of the following, namely, the body corporate and the companies and other persons specified in paragraph (i) above; and".

Shri K. K. Basu: I beg to move:

Page 3, lines 44 and 45.

for "one-half" substitute "one-fourth".

Shri M. S. Gurupadaswamy: I beg to move:

Page 4,

omit lines 1 to 6.

Shri C. C. Shah: I beg to move:

Page 4, line 3,

add at the end "or a body corporate having not more than fifty members".

Shri K. K. Basu: I beg to move:

Page 4, line 6,

add at the end "or any relative of the member".

Shri C. C. Shah: I beg to move:

Page 4, line 6,

add at the end "or body corporate".

Shri Tulsidas: I beg to move:

(1) Page 4,

omit lines 7 to 9.

(2) Page 4,

(i) line 28,

after "debenture stock" insert "and"

(ii) lines 28 to 30,

omit "and any other securities of a company, whether constituting a charge on the assets of the company or not;"

Shri Rane: I beg to move:

Page 4, line 31,

after "person" insert "substantially".

Shri C. D. Deshmukh: I beg to move:

Page 4, sub-clause (15)

(i) in line 36, after the word "notice" insert the word "requisition," and omit the word "and";

(ii) in line 37, after the words "and registers" insert the words "whether issued, sent or kept in pursuance of this or any other Act, or otherwise;"

Shri M. S. Gurupadaswamy: I beg to move:

(1) Page 5,

omit lines 1 to 6.

(2) pages 5 and 6,

for lines 46 and 47 and lines 1 to 7 respectively, substitute:—

"(30) "officer" includes any director, manager or secretary;"

Shri S. V. Ramaswamy: I beg to move:

Page 6, line 6,

omit "536".

Shri C. D. Deshmukh: I beg to move:

Page 6, sub-clause (30),

in line 6, omit the figures "616, 617, 616".

Shri Rane: I beg to move:

Page 6, line 8, and wherever they occur in the Bill,

for "officer who is in default" substitute "delinquent officer".

Shri C. D. Deshmukh: I beg to move:

Page 6, lines 41 and 42,

in sub-clause (40), for the words, "or an Assistant Registrar" substitute the words "an Additional, a Joint, a Deputy or an Assistant Registrar".

Shri Tulsidas: I beg to move:

Page 6,

omit lines 43 to 45.

Shri U. M. Trivedi: I beg to move:

Page 6, lines 43 to 45,

for "any one who is related to such person in any of the ways specified in section 6 and no others" substitute "any one who is a spouse or is related in the first degree and no others".

Shri K. K. Basu: I beg to move:

(1) Page 7, lines 4 and 5,

omit "or body corporate (not being the managing agent)".

(2) Page 7, lines 8 and 9,

omit "or body corporate".

Clause 3.—(Definitions of "company" etc.)

Shri C. D. Deshmukh: I beg to move:

Page 8, sub-clause (1) (ii) (f), lines 2 and 3,

[Shri C. D. Deshmukh]

for the words and figures "in a Part B State at any time before the first day of April 1951", substitute the words and figures "in the merged territories or in a Part B State or any Part thereof, before the extension thereto of the Indian Companies Act, 1913 (VII of 1913)".

Shri S. V. Ramaswamy: I beg to move:

Page 8,

omit lines 31 to 34.

Shri M. S. Gurupadaswamy: I beg to move:

Page 8,

omit lines 31 to 34.

Clause 4.—(Meaning of "holding company" etc.)

Shri K. K. Basu: I beg to move:

Page 8, line 39,

for "controls the composition" substitute "has a right to nominate or elect one-third of the membership".

Shri M. S. Gurupadaswamy: I beg to move:

Page 9, line 25,

omit "or by a subsidiary of it".

Shri C. D. Deshmukh: I beg to move:

Page 10, new sub-section (6),

after line 8, add the following sub-clause:

"(6) In the case of a body corporate which is incorporated in a country outside India, a subsidiary or holding company of the body corporate under the law of such country shall be deemed to be a subsidiary or holding company of the body corporate within the meaning and for the purposes of this Act also, whether the requirements of this section are fulfilled or not".

Clause 5.—(Meaning of "officer who is in default".)

Shri Tulsidas: I beg to move:

Page 10, line 14,

after "knowingly" insert "and wilfully".

Shri K. K. Basu: I beg to move:

(1) Page 10, line 15,

after "provision" insert "or made no diligent efforts for the prevention of such acts".

(2) Page 10, lines 15, and 16,

omit "and wilfully".

Clause 6.—(Meaning of "relative".)

Shri T. S. A. Chettiar: I beg to move:

Page 10,

after line 26, insert "(iiiia) as sons-in-law or daughters-in-law or as brother's-in-law or sister's-in-law".

Shri Tulsidas: I beg to move:

Page 10,

omit lines 28 and 29.

Shri C. D. Deshmukh: I beg to move:

Page 10,

in line 29, after the word "grand-parent", insert the words "provided the cousins are members of a Hindu Joint family whether governed by the Mitakshara, the Dayabagha, the Marumakkhathayam, the Aliyasanthana or any other system of law".

Clause 8.—(Power of Central Government etc.)

Shri U. M. Trivedi: I beg to move:

Page 10, after line 44, add:

"provided that the company is given seven days notice to show cause against such declaration being made and no such declaration shall be made till the company has been heard".

Clause 9.—(Act to override memorandum etc.)

Shri Rane: I beg to move:

Page 11. line 3,

after "shall" insert "at once come into operation and".

Clause 10.—(Jurisdiction of Courts.)

Page 11, for lines 21 to 24, substitute:

"(b) the District Court, in respect of companies having their registered offices in the district or elsewhere if empowered by the Central Government under sub-clause 2 of this section or the High Court under any provisions of this Act".

Shri U. M. Trivedi: I beg to move:

(1) Page 11, after line 24, add:

"Provided however that the District Court shall not transfer such cases to any court subordinate thereto notwithstanding any provisions of any law authorising such transfer".

(2) Page 11,

omit lines 40 and 41.

5 P.M.

Mr. Chairman: All these amendments are now before the House for discussion.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 24th August, 1955.